

In the Matter of:)
)
Application for Certification) Docket No.
Mirant Corporation's) 00-AFC-4
POTRERO POWER PLANT UNIT 7)
PROJECT)
_____)

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Robert Pernell, Presiding Member

HEARING OFFICER, ADVISORS PRESENT

Stanley J. Valkosky, Hearing Officer

Michael Smith, Advisor

STAFF PRESENT

William J. Westerfield, Staff Counsel

Marc S. Pryor, Project Manager

Gary Reinoehl

PUBLIC ADVISER

Roberta Mendonca

REPRESENTING THE APPLICANT

Michael J. Carroll, Attorney
Latham and Watkins

Mark Harrer, Project Director
Mark Stone, General Manager of Construction
Mirant Americas Development, Inc.

Dale D. Shileikis, Project Manager
Kelly Haggerty
Elena Nilsson, Senior Archeologist
Michael Corbett, Senior Architectural Historian
Denise Bradley, Senior Landscape Historian
URS Corporation

Marcus Young
Singer and Associates

INTERVENORS

William B. Rostov, Attorney
Communities for a Better Environment

INTERVENORS

Jacqueline Minor, Deputy City Attorney
Joanna Woolman, City Attorney's Office
Paul Groth
Christopher Ver Planck
Charles Chase
Mark Paez
Andria Pomponi
Camp, Dresser and McKee
Tim Kelly, President
San Francisco Landmarks Board
City and County of San Francisco

Alan Ramo, Director
Our Children's Earth
Southeast Alliance for Environmental Justice
Environmental Law and Justice Clinic of
Golden Gate University School of Law

L. Joseph Boss
Potrero Boosters Neighborhood Association
Dogpatch Neighborhood Association

ALSO PRESENT

Gloria Scott
Caltrans

Roger Mason
Chambers Group

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P R O C E E D I N G S

10:07 a.m.

PRESIDING MEMBER PERNELL: Good morning.

I trust everyone had a good weekend. My name is Robert Pernel; I'm the Commissioner presiding over these proceedings. I am the Presiding Commissioner. The Second Commissioner on this Committee is Commissioner Keese, Commissioner Bill Keese. And he was unable to be with us this morning.

To my right is our Hearing Officer Stan Valkosky. To his right is Commissioner Keese's Advisor Mike Smith.

This is a continuation of the first set of evidentiary hearings for the proposed Potrero Unit 7 project. Before we begin I'd like the Committee, applicant, staff, intervenors and the Public Adviser to introduce themselves and their team. And I'll start with the applicant, since the Committee has already introduced themselves.

MR. CARROLL: Good morning, Mike Carroll with Latham and Watkins on behalf of the applicants. And I have here with me today Mark Harrer, who is the Project Director with Mirant. Also in the audience is Mark Stone, also with

1 Mirant, who will be one of our witnesses today.

2 From URS Corporation we have Dale
3 Shileikis and Kelly Haggerty. And then three
4 people who will be witnesses today, also with URS,
5 Elena Nilsson, Michael Corbett and Denise Bradley.
6 And then finally Marcus Young with Singer and
7 Associates is here with us, as well.

8 PRESIDING MEMBER PERNELL: Thank you.
9 Welcome. Staff, please.

10 MR. WESTERFIELD: Good morning; I'm Bill
11 Westerfield. I'm attorney for the staff. With me
12 today is Marc Pryor, who is raising his hand in
13 the back; he's Project Manager. Also we have
14 several witnesses testifying today, Gary Reinoehl,
15 who is also with staff, on cultural resources.

16 We're also pleased to have with us
17 Gloria Scott, who's an employee of Caltrans. And
18 hopefully arriving soon is Roger Mason who is
19 flying up from southern California. His plane has
20 hopefully landed and he will also testify. He's
21 with the Chambers Group.

22 PRESIDING MEMBER PERNELL: Okay.
23 Welcome. Intervenors.

24 MS. MINOR: Good morning, Jackie Minor,
25 Deputy City Attorney for the City and County of

1 San Francisco.

2 We have several witnesses here today, as
3 well as other officials with the City. Our
4 witnesses are Dr. Paul Groth, Christopher Ver
5 Planck and Charles Chase. Also with the City is
6 Mark Paez, who's a Planner with a specialty in
7 historic preservation with the San Francisco Port.
8 And also we're pleased to have Tim Kelly who's
9 President of the San Francisco Landmarks Board.
10 Supporting the City Attorney's Office is Andria
11 Pomponi, a consultant with Camp, Dresser and
12 McKee. And Joanna Woolman who is a intern in the
13 City Attorney's Office this summer.

14 PRESIDING MEMBER PERNELL: Thank you.
15 Welcome.

16 MR. RAMO: Good morning. My name is
17 Alan Ramo. I'm representing Our Children's Earth
18 and the Southeast Alliance for Environmental
19 Justice. As we've indicated before we don't
20 anticipate putting on any witnesses today or doing
21 any cross-examination.

22 PRESIDING MEMBER PERNELL: Thank you.
23 Welcome.

24 MR. ROSTOV: My name's William Rostov
25 and I'm an attorney for Communities for a Better

1 Environment, an intervenor.

2 PRESIDING MEMBER PERNELL: Okay. Are
3 there any other intervenors?

4 MR. BOSS: Yes, I'm Joe Boss
5 representing Potrero Boosters Neighborhood
6 Association and the Dogpatch Neighborhood
7 Association.

8 PRESIDING MEMBER PERNELL: Okay. Are
9 there any others? Are there any public officials?

10 Okay. Public Adviser, would you
11 introduce yourself.

12 MS. MENDONCA: Good morning, thank you.
13 My name is Roberta Mendonca and I'm the Energy
14 Commission Public Adviser here to assist members
15 of the public who might want to be participating
16 today. Thank you.

17 PRESIDING MEMBER PERNELL: Thank you.
18 At this time I'll turn the hearing over to our
19 Hearing Officer, Mr. Valkosky.

20 HEARING OFFICER VALKOSKY: Thank you,
21 Commissioner Pernell. The Committee noticed
22 hearings for today, tomorrow and, if necessary, on
23 Wednesday, in a notice and order issued May 17th
24 of this year. That document also contained filing
25 dates for testimony and indicated that we would

1 also conduct a conference at the conclusion of the
2 evidentiary presentations. It may occur tomorrow;
3 it may not occur till Wednesday. We'll just have
4 to see how it goes.

5 In addition to the February 2002 staff
6 assessment and the AFC document and its associated
7 supplements, other filings pertinent to this set
8 of hearings include applicant's prepared testimony
9 and exhibits filed June 21st; staff's supplemental
10 cultural resources testimony filed July 10th.

11 And the City and County of San
12 Francisco's and the Dogpatch Neighborhood
13 Association's joint prepared testimony and
14 exhibits on cultural resources; as well as the
15 City and County's prepared testimony on hazardous
16 materials management and waste management, also
17 filed on July 10th.

18 The purpose of these formal evidentiary
19 hearings is to establish the factual record
20 necessary to reach a decision in this case. This
21 is done through the taking of written and oral
22 testimony, as well as exhibits from the parties.

23 These hearings are more structured than
24 the Committee conferences and the informal staff
25 workshops which have already occurred.

1 The procedure we'll follow is our normal
2 procedure and it's the one we followed the first
3 set of these hearings last month. I'll just recap
4 it briefly.

5 A party sponsoring a witness shall
6 briefly establish the witness' qualifications and
7 have the witness orally summarize the prepared
8 testimony before requesting that testimony be
9 moved into evidence. Relevant exhibits may be
10 offered into evidence at that time, as well.

11 At the conclusion of a witness' direct
12 testimony the Committee will provide the other
13 parties, who have so requested, an opportunity for
14 cross-examination followed by redirect and
15 recross-examinations as appropriate.

16 At the conclusion of each topic area we
17 will provide an opportunity for public comment on
18 that topic.

19 The parties are encouraged to
20 consolidate presentations by witnesses and/or to
21 consolidate cross-examination to the greatest
22 extent possible in order to minimize duplication
23 and conserve hearing time.

24 A party sponsoring multiple witnesses on
25 a topic area should have those witnesses testify

1 as a panel if possible.

2 You've each been provided with some
3 handouts. I'd like to refer you to the one
4 entitled, revised attachment C, which essentially
5 is the agenda for today. Are there any
6 corrections to that agenda from any of the
7 parties? Mr. Carroll?

8 MR. CARROLL: No.

9 HEARING OFFICER VALKOSKY: Staff?

10 MR. WESTERFIELD: Just a minute, please.

11 I don't think so. I think we've attempted to
12 approximate how long our direct and cross-
13 examination will be, and we think it could run
14 over slightly from the hour that we've estimated
15 for both our direct and cross-examination.

16 HEARING OFFICER VALKOSKY: Okay, but no
17 firm corrections at this time?

18 MR. WESTERFIELD: No.

19 HEARING OFFICER VALKOSKY: Ms. Minor.

20 MS. MINOR: No corrections. There may
21 be some adjustments in the time.

22 HEARING OFFICER VALKOSKY: Okay. Mr.
23 Ramo.

24 MR. RAMO: No questions.

25 HEARING OFFICER VALKOSKY: Mr. Rostov?

1 MR. ROSTOV: No corrections.

2 HEARING OFFICER VALKOSKY: Okay, thank
3 you. With that, call your witnesses, Mr. Carroll.
4 The topic is cultural resources.

5 MR. CARROLL: Thank you. The applicant
6 has four witnesses on this topic area. Ms.
7 Nilsson will testify as to archeological
8 resources; Mr. Corbett and Ms. Bradley will
9 testify as to architectural resources; and Mr.
10 Stone will testify as to practical issues related
11 to relocation of some of the historic resources.

12 What I would propose, in part given the
13 limited space that we have up here at the table,
14 is that we take Ms. Nilsson first and move
15 archeological resources out of the way. Then take
16 Mr. Corbett and Ms. Bradley and deal with
17 architectural resources. And then take Mr. Stone
18 and deal with the practical issues, if that's
19 acceptable to the Committee and the other parties.

20 HEARING OFFICER VALKOSKY: And what
21 would be your suggestion for cross-examination by
22 the other parties?

23 MR. CARROLL: I guess I would suggest
24 that we cross-examine them in that order. If
25 there's cross-examination of Ms. Nilsson, that we

1 go ahead and take that when she's done. And then
2 move on to the architectural issues.

3 HEARING OFFICER VALKOSKY: Okay, rather
4 than as a panel.

5 MR. CARROLL: If that's acceptable.

6 HEARING OFFICER VALKOSKY: Does that
7 pose any difficulty to the other parties?

8 MR. WESTERFIELD: Not at all.

9 MS. MINOR: No.

10 MR. CARROLL: Okay, at this time I call
11 Ms. Elena Nilsson. Ask that the witness please be
12 sworn.

13 HEARING OFFICER VALKOSKY: Swear the
14 witness, please.

15 Whereupon,

16 ELENA NILSSON

17 was called as a witness herein, and after first
18 having been duly sworn, was examined and testified
19 as follows:

20 MR. CARROLL: Thank you.

21 DIRECT EXAMINATION

22 BY MR. CARROLL:

23 Q Ms. Nilsson, would you please state your
24 name, title and employer?

25 A My name is Elena Nilsson; I'm a Senior

1 Archeologist with URS Corporation.

2 Q Can you briefly summarize your
3 qualifications?

4 A I have over 23 years of experience in
5 cultural resources assessment and management. I
6 earned a masters degree in anthropology in 1985
7 and a BA in English in 1978, both from CalState
8 University Los Angeles.

9 Q And are you the same Elena Nilsson who
10 submitted prepared testimony in this proceeding
11 which is now been marked as a portion of exhibit
12 28?

13 MR. CARROLL: Is that correct, Mr.
14 Valkosky?

15 HEARING OFFICER VALKOSKY: That is
16 correct, Mr. Carroll.

17 MR. CARROLL: Thank you.

18 MS. NILSSON: Yes, I am.

19 MR. CARROLL: Before proceeding with Ms.
20 Nilsson's testimony, I would like to make several
21 typographical corrections to her prepared
22 testimony that was previously filed.

23 On page 1 of that prepared testimony,
24 line 13, much to Ms. Nilsson's chagrin the 16
25 years should be 23 years.

1 And on page 5 --

2 PRESIDING MEMBER PERNELL: Was that a
3 correction to her age?

4 (Laughter.)

5 MR. CARROLL: It's an acknowledgement.

6 (Laughter.)

7 MR. CARROLL: On page 5, line 19, the
8 date at the end of that line, the date of log
9 number 17171 is incorrectly noted. It should be
10 December 5, 2000, as opposed to August 31, 2000.

11 BY MR. CARROLL:

12 Q Ms. Nilsson, if I were to ask you the
13 questions contained in your prepared testimony, as
14 just corrected by me, would your answers be the
15 same under oath today?

16 A Yes.

17 Q And am I correct that there are also a
18 number of exhibits identified in your prepared
19 testimony that you're sponsoring today?

20 A Yes.

21 Q And just to be clear, section 8.3 of the
22 AFC pertaining to cultural resources that you're
23 sponsoring, as amended by supplemental information
24 provided in response to CEC data adequacy
25 requests, that would be exhibit 22, the amendment

1 eliminating the facade, which is exhibit 23, and
2 the station A amendment pertaining to cultural
3 resources, docket number 18265?

4 A Yes, that's correct.

5 Q I'd also like to clarify those exhibits
6 that you're sponsoring that have been designated
7 as confidential. And I'm going to list them off
8 and just ask you to confirm that those are the
9 confidential exhibits that you're sponsoring.

10 The first is attachment C to an
11 application for confidential designation dated May
12 31, 2000, and identified as docket number 14706,
13 which consists of a 1979 cultural resources
14 overview and inventory and phase two archeological
15 test excavations prepared by Worth and Associates.

16 The second is the attachment to a letter
17 dated December 5, 2000; again submitted under the
18 previously identified request for confidential
19 designation. And identified as docket number
20 17171, which consists of a December 2000 research
21 design.

22 And the third is a May 2001 document
23 which was not identified in your prepared
24 testimony, but is identified as docket number
25 20149, which consists of an archeological research

1 design and treatment plan.

2 Are those the three confidential
3 exhibits that you're sponsoring today?

4 A Yes, I'm sponsoring those three exhibits
5 in addition to the other exhibits identified in my
6 prepared testimony.

7 Q And you're familiar with the content of
8 the documents that I just identified?

9 A Yes.

10 Q Can you please provide an overview of
11 the analysis that you undertook regarding Potrero
12 Unit 7 project?

13 A I supervised the archival research, the
14 Native American consultation and field
15 reconnaissance of the project site and the
16 transmission cable route.

17 Based on my research and the field
18 reconnaissance I evaluated the potential for
19 impacts on archeological resources and prepared
20 the relevant portions of section 8.3 of the AFC.

21 Q And can you please summarize your
22 conclusions with respect to the project's impacts
23 on archeological resources?

24 A Yes. No archeological resources were
25 identified on the surface of the project's area of

1 potential effect including the transmission cable
2 route.

3 There is the potential for buried
4 historical resources, however, which could be
5 discovered during project construction. To avoid
6 potentially significant impacts to any resources
7 that are discovered we proposed a number of
8 mitigation measures including testing, data
9 recovery, construction monitoring and worker
10 training.

11 Q And with the implementation of the
12 mitigation measures proposed by the applicant, is
13 it your professional opinion that impacts to
14 archeological resources will be reduced below a
15 level of significance?

16 A Yes.

17 Q Have you reviewed the CEC Staff's
18 proposed conditions of certification pertaining to
19 archeological resources in the final staff
20 assessment?

21 A Yes.

22 Q Do you have any concerns with those
23 conditions of certification as proposed?

24 A Just one. We requested that the
25 applicant be allowed to provide the required

1 worker training by videotape. Otherwise it will
2 be necessary to have an archeologist onsite almost
3 during the entire construction period since new
4 workers will be arriving throughout the
5 construction phase.

6 Q Thank you. Does that complete your
7 testimony today?

8 A Yes.

9 MR. CARROLL: Ms. Nilsson is now
10 tendered for cross-examination in the area of
11 cultural resources, and specifically archeology.

12 HEARING OFFICER VALKOSKY: Mr.
13 Westerfield.

14 MR. WESTERFIELD: Thank you.

15 CROSS-EXAMINATION

16 BY MR. WESTERFIELD:

17 Q Good morning. I think I only have
18 really one question.

19 A Okay.

20 Q On your testimony I believe at page 4,
21 line 25, 26, I believe you mentioned that as part
22 of data response you clarified that the exact
23 locations of the borings for the Islais Creek
24 crossing are undetermined.

25 Is that still the situation as far as

1 you're concerned?

2 A Yes.

3 Q So you still don't know where they are?

4 A That's correct.

5 MR. WESTERFIELD: That's all I have.

6 HEARING OFFICER VALKOSKY: Ms. Minor.

7 MS. MINOR: No questions for Ms.

8 Nilsson.

9 HEARING OFFICER VALKOSKY: Ms. Nilsson,
10 in your opinion, is the existing cultural
11 resources analysis sufficient to cover any
12 potential impacts if the transmission line route
13 follows the Hetch Hetchy option, which I
14 understand is one of the options considered by
15 applicant.

16 MS. NILSSON: Yes, I believe it is, yes.

17 HEARING OFFICER VALKOSKY: Thank you.

18 Any redirect, Mr. Carroll?

19 MR. CARROLL: No.

20 HEARING OFFICER VALKOSKY: Anything else
21 for Ms. Nilsson?

22 Okay, ma'am, you are excused, but
23 subject to recall if it turns out later that
24 you're the only person that can answer a question.

25 MS. NILSSON: I understand.

1 HEARING OFFICER VALKOSKY: Thank you.

2 MS. NILSSON: Thank you.

3 HEARING OFFICER VALKOSKY: Your
4 architectural portion?

5 MR. CARROLL: Yes. At this time the
6 applicant calls Mr. Michael Corbett and Ms. Denise
7 Bradley, applicant's witnesses in the area of
8 architectural resources.

9 HEARING OFFICER VALKOSKY: Off the
10 record for a second.

11 (Off the record.)

12 Whereupon,

13 MICHAEL CORBETT and DENISE BRADLEY
14 were called as witnesses herein, and after first
15 having been duly sworn, were examined and
16 testified as follows:

17 MR. CARROLL: Thank you. We'll begin
18 with Mr. Corbett.

19 DIRECT EXAMINATION

20 BY MR. CARROLL:

21 Q Mr. Corbett, would you please state your
22 name, title and employer?

23 MR. CORBETT: My name is Michael
24 Corbett; I'm Senior Architectural Historian with
25 the URS Corporation.

1 MR. CARROLL: And would you please
2 briefly summarize your qualifications?

3 MR. CORBETT: I have over 28 years
4 experience as an architectural historian in
5 cultural resource analysis dealing with federal,
6 state and local environmental laws.

7 I received an AB in anthropology in
8 American studies from Princeton University in
9 1973. I studied history of architecture at the
10 University of California in 1987, studied for a
11 PhD. Was advanced to candidacy in 1987.

12 MR. CARROLL: Thank you. Are you the
13 same Michael Corbett that submitted the prepared
14 testimony in these proceedings which is now a
15 portion of what's been labeled as exhibit 28?

16 MR. CORBETT: Yes.

17 MR. CARROLL: Before proceeding with Mr.
18 Corbett's testimony I'd like to make several
19 typographical corrections to his previously filed
20 prepared testimony.

21 On page 3, line 2, the word places
22 should be replaced with the word resources. On
23 that same page, line 10, the reference to docket
24 number 17213 should be 18265.

25 On page 5, line 21, the word

1 archeological should be replaced with
2 architectural. And in attachment A, page A-2,
3 second line, the word uniqueness should be
4 replaced with the word character.

5 Mr. Corbett, if I were to ask you the
6 questions contained in your prepared testimony
7 would your answers be the same, as just corrected
8 by me, today under oath?

9 MR. CORBETT: Yes.

10 MR. CARROLL: And am I correct that
11 there are also a number of exhibits identified in
12 your prepared testimony you're also sponsoring
13 today?

14 MR. CORBETT: Yes.

15 MR. CARROLL: And just to be clear,
16 section 8.3 of the AFC pertaining to cultural
17 resources that you're sponsoring is the as-amended
18 section reflecting the various amendments to the
19 AFC that have been submitted over time?

20 MR. CORBETT: Yes.

21 MR. CARROLL: And could you, for the
22 benefit of all of us, please explain the basis for
23 what we've been referring to in these proceedings
24 as the station A amendment to the AFC?

25 MR. CORBETT: Yes. When we began the

1 project the station A, which is a group of five
2 buildings referred to -- a group of five buildings
3 referred to as station A were subject to the
4 unreinforced masonry building ordinance in San
5 Francisco. And we initially were addressing them
6 on that basis only.

7 And they were not part of the unit 7
8 application. And later they were joined together
9 with that. And when that happened we prepared the
10 station A amendment.

11 MR. CARROLL: Thank you. And can you
12 please provide an overview of the analysis that
13 you undertook regarding the Potrero Unit 7
14 project??

15 MR. CORBETT: Yes. We conducted
16 archival research and field inspection of the
17 potentially historic architectural resources
18 within the project area, including the station A
19 complex of Union Iron Works at Pier 70, the Union
20 Iron Works historic district, and two sugar
21 warehouses on the south side of the project site
22 on 23rd Street.

23 Based on the work that we did we
24 evaluated the resources and prepared section 8.3
25 of the AFC.

1 MR. CARROLL: And can you please
2 summarize your conclusions with respect to the
3 project's impacts on historic architectural
4 resources?

5 MR. CORBETT: Yes. With respect to Pier
6 70 we concluded that the project would not impair
7 the physical characteristics that convey the
8 district's significance, and would have no adverse
9 impact on the district.

10 We found the same -- came to the same
11 conclusion with respect to the sugar warehouses.
12 And again the same -- well, excuse me, with
13 respect to the meter house and the compressor
14 house within the station A complex, which we had
15 concluded were significant under the California
16 Register criterion 1, because of their
17 significance in the history of gas manufacturing
18 in northern California.

19 These two buildings appear to be
20 eligible for the California Register. And because
21 of that we concluded that demolition would result
22 in a significant impact.

23 MR. CARROLL: And could you please
24 explain what it means when a resource is
25 significant under criterion 1 of the California

1 Register criteria?

2 MR. CORBETT: Yeah, a shorthand
3 definition of criterion 1 would be history, events
4 or patterns of history. It means that the
5 resource is significant by virtue of its
6 association with significant historic events.

7 In this case it's PG&E's historic gas
8 manufacturing operations. And that is to
9 distinguish from criterion 3, which is the
10 architectural or physical characteristics.

11 MR. CARROLL: Thank you. At this time
12 I'd like to have identified as an exhibit a set of
13 photographs that were not included with Mr.
14 Corbett's prepared testimony, but which I think
15 would assist the Committee and the parties as he
16 describes the compressor house and the meter
17 house. And I'll distribute those now.

18 HEARING OFFICER VALKOSKY: Okay, at this
19 time we will mark for identification as exhibit 44
20 a packet of five pages of photographs entitled
21 meter house and compressor house. Photographs
22 prepared for Mirant by URS. And the date on the
23 cover page is July 16, 2002.

24 BY MR. CARROLL:

25 Q Mr. Corbett, did you take the

1 photographs that have just been marked as exhibit
2 44?

3 MR. CORBETT: No, they were taken by
4 others at URS.

5 MR. CARROLL: Based on your knowledge of
6 familiarity with the meter house and compressor
7 house, do these photographs depict a true and
8 accurate representation of what those two
9 buildings look like today?

10 MR. CORBETT: Yes.

11 MR. CARROLL: And making reference to
12 the photographs would you please walk us through a
13 brief description of the meter house and the
14 compressor house?

15 MR. CORBETT: Yes. If you look on the
16 first page, photos 1, 2 and 3, showing the meter
17 house, this is a one-story brick building
18 containing a single interior space.

19 The structure is brick masonry walls
20 with steel roof trusses. The building is very
21 largely intact, although the actual roof has been
22 removed and there is an opening in photo 2, you
23 can see that there's a large garage bay. And that
24 is not original to the building, but was an
25 alteration made at some time, I don't know when.

1 Let's see, the interior you can see in
2 photos 4, 5 and 6. You can see the steel trusses
3 spanning the brick walls. And in all those
4 pictures the segmental arched windows.

5 Then looking at the compressor house on
6 photos 7, 8 and 9, the compressor house is a
7 larger building than the meter house. It's an L-
8 shape in plan, containing primarily a single space
9 within the main L of the building. This is a
10 steel frame building with brick walls.

11 Unlike the meter house, which is just
12 very barely decorated, in addition to its
13 structural features the compressor house is
14 decorated with bricks arranged to look like, to
15 suggest stone blocks at the corners and on the
16 sides of the entranceways.

17 And then just the last photos, 12 and 13
18 show the interior. A simple open space
19 primarily.

20 MR. CARROLL: Thank you. Have you
21 reviewed and are you familiar with the CEC Staff
22 testimony filed in this matter including relevant
23 portions of the final staff assessment and the
24 recently filed supplemental testimony of Ms.
25 Scott?

1 MR. CORBETT: Yes.

2 MR. CARROLL: And are you familiar with
3 the staff proposal to relocate the meter house and
4 the compressor house to a nearby vacant property
5 and rehabilitate them for future use?

6 MR. CORBETT: Yes.

7 MR. CARROLL: In your professional
8 opinion would the meter house and the compressor
9 house maintain their eligibility for the
10 California Register if they were relocated to
11 another site?

12 MR. CORBETT: No. In general, historic
13 preservation frowns on moving historic buildings.
14 And there are situations where an historic
15 building can be moved and retain its integrity,
16 and remain a significant building at a new site.

17 Best example of that would be a building
18 that was significant primarily for its
19 architectural value.

20 In this case, these buildings are
21 significant primarily for their historic value.
22 And to move them, they would lose the context of
23 the location which gives them significance. And
24 so they would no longer be eligible for the
25 California Register if they were moved; they would

1 no longer be historical resources under CEQA.

2 MR. CARROLL: And for purposes of CEQA
3 would the identified adverse impact of demolition
4 of the meter house and the compressor house be
5 substantially lessened as a result of their
6 relocation?

7 MR. CORBETT: No, it wouldn't. Because
8 the buildings are significant for their historical
9 associations with PG&E gas manufacturing at that
10 location, if they were moved they would lose that
11 association and they would not be significant.

12 MR. CARROLL: And would your answer be
13 any different if the proposal was to relocate the
14 buildings on the site of the power plant, a
15 different location but within the boundaries of
16 the existing power plant site?

17 MR. CORBETT: Well, as I said, it's
18 generally not a good idea to move historic
19 buildings at all, but if the buildings were moved
20 on the historic site of the gas manufacturing
21 plant, they could probably still retain their
22 significance.

23 If they were moved to a parcel of land
24 which historically was not part of the gas
25 manufacturing plant, then they would lose their

1 significance.

2 MR. CARROLL: And are you familiar with
3 the location in the center of the site that has
4 been identified as a possible location for
5 relocating the two buildings?

6 MR. CORBETT: Yes.

7 MR. CARROLL: And is that location
8 within the historic gas manufacturing parcel?

9 MR. CORBETT: No, it's not.

10 MR. CARROLL: Thank you. In your
11 professional opinion would relocation of the
12 buildings to an offsite location at Pier 70 have
13 an adverse impact on Pier 70 historic district?

14 MR. CORBETT: It probably would have an
15 adverse impact, yes. The introduction of
16 buildings with one history, in this case gas
17 manufacturing, to a site with a completely
18 different history would be introducing something
19 foreign to Pier 70 and would have an adverse
20 impact on that.

21 MR. CARROLL: Have you reviewed and are
22 you familiar with the prepared testimony of
23 Charles Chase, Dr. Paul Groth and Christopher Ver
24 Planck filed on behalf of the City and County of
25 San Francisco and the Dogpatch Neighborhood

1 Association in this matter?

2 MR. CORBETT: Yes.

3 MR. CARROLL: These three witnesses
4 suggest that there's a larger historic district in
5 this part of the City which includes the Union
6 Iron Works complex at Pier 70, the remnants of
7 Irish Hill, the American Can Company property on
8 Illinois Street, the Potrero Power Plant site and
9 the sugar warehouses south of the power plant
10 site.

11 In your opinion have these witnesses
12 established that such a district exists?

13 MR. CORBETT: No. They've not
14 established that such a district exists. They
15 have established that the district has
16 significance.

17 There's a two part to create an historic
18 district, or any historic property. There are two
19 parts. First, it has to be shown that the
20 property has historical significance. And it
21 appears that they have done that.

22 And then the property needs to be shown
23 to possess integrity, and they have not done that.

24 MR. CARROLL: And what issues do you see
25 that might lead one to conclude that the suggested

1 district does not retain sufficient integrity to
2 be eligible as an historic district?

3 MR. CORBETT: To determine whether
4 integrity exists there are seven aspects of
5 integrity: Design, location, setting,
6 workmanship, feeling, materials and association.
7 And in each of those categories the property would
8 have to be analyzed to see if it retains integrity
9 in each of those areas. And there are guidelines
10 to show how that would be done.

11 MR. CARROLL: So you disagree with the
12 conclusion reached by the City's experts that as
13 things stand today the various parcels comprise an
14 historic district?

15 MR. CORBETT: That's right, there's no
16 historic district there at this point.

17 MR. CARROLL: Assuming that it could be
18 established that there was an historic district
19 that included Pier 70 and the power plant site, in
20 your opinion would the rehabilitation of Union
21 Iron Works building 113, as suggested by the
22 witnesses for the City, substantially lessen the
23 impact of demolishing the meter house and the
24 compressor house?

25 MR. CORBETT: Because the meter house

1 and the compressor house are individually
2 eligible, individually significant, mitigation for
3 impacts to the district would not mitigate the
4 loss of those two individual structures.

5 MR. CARROLL: Thank you. Does that
6 complete your testimony today?

7 MR. CORBETT: Yes.

8 MR. CARROLL: Thank you, Mr. Corbett.
9 I'll ask you to just retain your seat and we'll
10 take Ms. Bradley's direct examination.

11 DIRECT EXAMINATION

12 BY MR. CARROLL:

13 Q Ms. Bradley, could you please state your
14 name, title and employer?

15 MS. BRADLEY: Yes, my name is Denise
16 Bradley; I am Senior Landscape Historian for URS
17 Corporation.

18 MR. CARROLL: And could you briefly
19 summarize your qualifications?

20 MS. BRADLEY: Yes. I have over 15 years
21 experience in the analysis of historic properties
22 as they relate to federal, state and local
23 environmental historic preservation.

24 I have a BS in agriculture and
25 ornamental horticulture and landscape design from

1 the University of Tennessee. I received that in
2 1979. I have a masters in landscape architecture
3 from Louisiana State University. I received that
4 in 1986.

5 MR. CARROLL: Are you the same Denise
6 Bradley that submitted prepared testimony which
7 has now been identified as a portion of exhibit 28
8 in these proceedings?

9 MS. BRADLEY: Yes, I am.

10 MR. CARROLL: Before proceeding with Ms.
11 Bradley's testimony I'd like to make several
12 typographical corrections to her prepared
13 testimony.

14 On page 1 of that document, line 14,
15 second word from the end of that line, the word
16 from is misspelled.

17 And on page 2, lines 8 and 9, the
18 reference to figure 8.3-3 should be deleted, all
19 of that language after that last semicolon. That
20 particular portion of section 8.3 related to
21 archeological resources and was within Ms.
22 Nilsson's prepared testimony and should not have
23 been included in Ms. Bradley's testimony.

24 BY MR. CARROLL:

25 Q Ms. Bradley, if I were to ask you the

1 questions contained in your prepared testimony
2 would your answers be the same as they were,
3 taking into consideration those two corrections
4 that I just made, if you provided them today under
5 oath?

6 MS. BRADLEY: Yes.

7 MR. CARROLL: And am I correct that
8 there are also a number of exhibits identified in
9 your prepared testimony that you're sponsoring
10 today?

11 MS. BRADLEY: Correct. Yes.

12 MR. CARROLL: And, again, just to be
13 clear, when you refer to sponsoring section 8.3
14 that is as amended by various amendments that were
15 submitted with the AFC over time?

16 MS. BRADLEY: Yes, that's correct.

17 MR. CARROLL: And could you please
18 provide an overview of the analysis that you
19 undertook regarding the Potrero Unit 7 project.

20 MS. BRADLEY: I assisted Mr. Corbett in
21 the analysis of the project that he just
22 described.

23 MR. CARROLL: And do you concur in the
24 conclusions reached as a result of that analysis
25 as described today by Mr. Corbett?

1 MS. BRADLEY: Yes, I do.

2 MR. CARROLL: And do you concur in the
3 responses that Mr. Corbett gave to my questions
4 today?

5 MS. BRADLEY: Yes, I do.

6 MR. CARROLL: Do you have anything
7 additional to add in response to any of the
8 questions that I asked Mr. Corbett?

9 MS. BRADLEY: No.

10 MR. CARROLL: Thank you. Does that
11 complete your testimony today?

12 MS. BRADLEY: Yes.

13 MR. CARROLL: Thank you. At this time
14 the applicant would tender Mr. Corbett and Ms.
15 Bradley for cross-examination in the area of
16 architectural resources.

17 PRESIDING MEMBER PERNELL: Mr. Corbett,
18 good morning.

19 MR. CORBETT: Good morning.

20 PRESIDING MEMBER PERNELL: I'm looking
21 at the photos that you provided, and on the meter
22 house. And you said it has historical value, is
23 that correct?

24 MR. CORBETT: Yes.

25 PRESIDING MEMBER PERNELL: You also

1 indicated that on photo 2 the garage door, that
2 wasn't the original building, the garage door was
3 added?

4 MR. CORBETT: That's correct.

5 PRESIDING MEMBER PERNELL: What does
6 that do to the historical value if you alter the
7 structure?

8 MR. CORBETT: Well, that's one of the
9 things you look at when you're looking at the
10 integrity of the structure, an alteration like
11 that. In this case it's fairly minor; it's a
12 fairly minor change in the context of the whole
13 building and what the building was about.

14 It does not diminish, it would not
15 disqualify the building as historic property.

16 PRESIDING MEMBER PERNELL: Okay, and
17 then the fact that it, I would assume that it once
18 had a roof on it.

19 MR. CORBETT: Correct.

20 PRESIDING MEMBER PERNELL: And the fact
21 that it has no roof wouldn't devalue the
22 historical significance?

23 MR. CORBETT: Well, it could, but a roof
24 is also a fairly minor thing. Roofs are repaired
25 and replaced all the time, and actually I forget

1 what the material was before that, but even say a
2 metal roof would be replaced in the life of a
3 building of this age. So it wouldn't disqualify
4 it.

5 PRESIDING MEMBER PERNELL: So, the thing
6 that really makes this a historical building,
7 other than I guess the age, is the location and
8 what it was used for originally?

9 MR. CORBETT: That's right, it's
10 association with PG&E's gas manufacturing process
11 which occurred at this site.

12 PRESIDING MEMBER PERNELL: And that's no
13 longer going on, right?

14 MR. CORBETT: That's correct.

15 PRESIDING MEMBER PERNELL: Okay, and you
16 mentioned Pier 70 and its integrity; and then you
17 mentioned like seven different --

18 MR. CORBETT: Seven different aspects of
19 integrity.

20 PRESIDING MEMBER PERNELL: Of integrity?

21 MR. CORBETT: Yes.

22 PRESIDING MEMBER PERNELL: A property
23 has to meet all seven of those in order to have
24 integrity, or is it --

25 MR. CORBETT: No. It's not a science.

1 It's a difficult thing to explain to someone,
2 people not familiar with it sometimes because the
3 way the seven aspects of integrity are applied,
4 it's different in almost every case.

5 Those are guidelines to help look at the
6 integrity of a property, depending on the nature
7 of significance of a property, it might be applied
8 in somewhat different ways.

9 PRESIDING MEMBER PERNELL: So that your
10 opinion could be different from the opinion of
11 other experts since there's no science to analyze
12 the integrity of property?

13 MR. CORBETT: Well, that's true, it
14 could be different. I think, you know, if you
15 took ten people who had a lot of experience
16 dealing with these things you'd probably, you
17 know, probably seven or eight of them have the
18 same conclusion.

19 You could have a difference of opinion
20 but I think most people who are familiar with this
21 process would come to the same conclusions.

22 PRESIDING MEMBER PERNELL: Well, okay.
23 We'll hear from other people on that question.

24 And then finally, and you might not be
25 the right one to ask that, so, Mr. Carroll, if I'm

1 off base just let me know here.

2 In your opinion can these buildings be
3 moved without damaging them?

4 MR. CORBETT: I'm not qualified to
5 answer that. I think somebody else can address
6 that.

7 MR. CARROLL: Mr. Stone will address
8 those sort of practical considerations. Today.

9 PRESIDING MEMBER PERNELL: All right.

10 HEARING OFFICER VALKOSKY: Before we
11 turn it over to cross-examination, I believe one
12 of you two would be the appropriate witness.

13 What is applicant's position regarding
14 staff's proposed condition cultural-18, which
15 provides for an interpretative kiosk as a
16 mitigation measure for removal of the buildings?

17 MR. CARROLL: That condition is
18 acceptable to applicant.

19 HEARING OFFICER VALKOSKY: Okay, so you
20 would accept cultural-18. The issue would be on
21 cultural-17, I believe it is?

22 MR. CARROLL: That's correct.

23 HEARING OFFICER VALKOSKY: Okay, thank
24 you for that clarification.

25 PRESIDING MEMBER PERNELL: I have one

1 other question. Is the building earthquake proof?

2 MR. CORBETT: I'm not qualified to
3 answer that, either. I think the --

4 PRESIDING MEMBER PERNELL: Is that also
5 Mr. --

6 MR. CORBETT: -- other, Mark Stone
7 will --

8 PRESIDING MEMBER PERNELL: -- Stone?

9 MR. CARROLL: Mr. Stone will be able to
10 testify to that matter.

11 PRESIDING MEMBER PERNELL: Okay.

12 HEARING OFFICER VALKOSKY: Mr. Smith.

13 MR. SMITH: Good morning. I have a
14 couple of questions for either of the witnesses.

15 Could you explain when something is
16 deemed eligible for listing what is the process of
17 listing?

18 MS. BRADLEY: In this case you're
19 talking about listing on the California Register?

20 MR. SMITH: Yes.

21 MS. BRADLEY: You would submit the DPR
22 form, which is the form that is included in our
23 submittal that everyone in the state uses. It's
24 the state form. You would submit that to the
25 State Historic Preservation Officer. And they

1 would review that and either concur or not concur
2 with your evaluation. And then it could be
3 formally listed.

4 The difference between eligibility and
5 listing, as far as compliance with the
6 regulations, though, there's really no difference.

7 HEARING OFFICER VALKOSKY: If I could
8 follow up, so as a practical effect, eligibility
9 for listing is essentially -- essentially gets the
10 same protection --

11 MS. BRADLEY: That's correct.

12 HEARING OFFICER VALKOSKY: -- that a
13 listed building does, or --

14 MS. BRADLEY: That's correct.

15 HEARING OFFICER VALKOSKY: -- a listed
16 resource does? That's correct?

17 MS. BRADLEY: There might be differences
18 with local government's regulations, but under the
19 California Register, that's correct.

20 MR. SMITH: Clarify that for me. These
21 two buildings are deemed eligible?

22 MS. BRADLEY: Correct.

23 MR. SMITH: By who?

24 MS. BRADLEY: Well, by kind of a two-
25 step process. Michael Corbett meets the

1 qualifications, the professional qualifications of
2 the State Historic Preservation Officer to do this
3 type of work and make this evaluation.

4 We did that for the applicant. And it
5 was submitted to the CEC. And then they, as the
6 state agency, reviewed our work and they basically
7 complied with it.

8 So, I guess in this instance, they were
9 the ones that actually agreed with the evaluation
10 or made the evaluation technically.

11 MR. SMITH: You're referring to the CEC
12 Staff?

13 MS. BRADLEY: Correct.

14 MR. SMITH: So the CEC Staff's
15 concurrence with Mr. Corbett's eligibility
16 determination provides that building, or those two
17 buildings now, with some level of protection that
18 is equal to listing?

19 MS. BRADLEY: Yes, it means that under
20 CEQA the impacts to these buildings have to be
21 considered the same as if they were listed, yes.

22 MR. SMITH: Okay.

23 MR. CARROLL: If I could clarify, as a
24 legal matter I don't believe that the CEC
25 concurrence in the opinions of the applicant's

1 experts, that is not tantamount to a listing in
2 the California Register.

3 So what we have is the applicant's
4 witnesses saying the resources are eligible; the
5 CEC Staff witnesses concurring that the resources
6 are eligible. But the fact remains they have not
7 been listed, so they are merely eligible for the
8 California Register.

9 But, again, the CEC, as a state agency
10 concurring in that assessment, doesn't put them
11 onto the National Register -- I'm sorry California
12 Register.

13 HEARING OFFICER VALKOSKY: Okay, but,
14 Mr. Carroll, as a legal matter would you agree
15 with Ms. Bradley's statement that effectively just
16 the eligibility gives it the same level or a
17 similar level of protection as the actual listing?

18 MR. CARROLL: It gives it a similar
19 level of protection. CEQA is fairly clear that a
20 resource doesn't need to be formally listed in the
21 Register to be deemed an historic resource by a
22 reviewing agency. So, I think it does demand the
23 level of scrutiny that's been given to these
24 buildings, even though they're not officially
25 listed in the California Register.

1 MR. SMITH: So protection, though,
2 what's being debated here is the fate of these
3 buildings. So when you say protection, for a
4 building to be eligible or even be listed, accords
5 it the same degree of protection.

6 It's not clear at all what protection
7 means to me, because on the one hand we're
8 debating about whether they should be demolished,
9 all the way to the other end of the spectrum,
10 which is relocating them.

11 So, I'm still unclear as to what
12 protection means, just because they're either
13 eligible or actually have been listed.

14 MS. BRADLEY: I'll answer this and then
15 Mike might want to clarify. What I understand the
16 protection to be is that because they meet this
17 threshold of eligibility then CEQA requires that
18 you consider the impacts of the project on these
19 historic properties, just like you would consider
20 the impacts on water and on air.

21 And that's the protection that you're
22 required to consider the impacts and, of course,
23 the preferable thing would be to avoid them. If
24 you cannot avoid buildings, then there are levels
25 of things that you're asked to do. Redesign the

1 project and then come up with mitigation.

2 So that's the step we're -- that's where
3 we're at right now.

4 MR. SMITH: Okay.

5 MS. BRADLEY: That explains protection.

6 MR. SMITH: Mr. Corbett, in your oral
7 testimony a few minutes ago you stated that
8 demolition of these buildings would be a
9 significant impact.

10 IN your written testimony you didn't
11 describe it as a significant impact. You just
12 described it as an impact, or a cumulative impact.

13 Can you reconcile those two positions?

14 MR. CORBETT: Yeah, I'm not sure the
15 word -- I didn't mean to give any -- I'm not a
16 lawyer, didn't mean to give any legal meaning to
17 the word significant. It would be an impact under
18 CEQA.

19 MR. SMITH: And your interpretation or
20 your position it's a significant impact is because
21 they're eligible for listing, they are now a
22 significant historical resource?

23 MR. CORBETT: That's right, they are
24 significant historical resources.

25 MR. SMITH: And their removal would be a

1 significant impact.

2 MR. CORBETT: It would, from the point
3 of view of CEQA, I believe it would be the same
4 as --, they would no longer be historical
5 resources.

6 MR. SMITH: And just one other question.
7 On page 4 of your written testimony you state
8 that, and I quote, "But at the same time as part
9 of the Potrero Gas Works, each has lost a
10 substantial amount of integrity because of the
11 loss of machinery and the loss of those parts of
12 the Works where gas was manufactured. Each has
13 lost integrity of design, setting, materials,
14 workmanship and feeling."

15 I'm still a little unclear, given that
16 statement, how you would determine that the
17 demolition of these buildings is a significant
18 impact, or they've given that statement the
19 relevance to the eligibility as a historical
20 resource.

21 MR. CORBETT: Integrity, in a case like
22 this I think that integrity can be looked at from
23 a couple of different perspectives. A historian
24 of technology might look at these properties and
25 that historian would be interested in the

1 machinery that would have been there and the
2 processes of the manufacturing and distributing
3 gas.

4 And that person would look at this and
5 say it's lost integrity. And that's what -- by
6 this list of the ways in which it has lost
7 integrity.

8 A historian, or an architectural
9 historian might look at this and see these as --
10 would be more interested in the historical
11 associations of the buildings rather than in the
12 actual physical technology or the processes that
13 went on there.

14 And that person, I would say, that the
15 things still retain integrity because they have
16 those associations intact. But that those
17 associations are with this particular site. This
18 is the site where the action took place; this is
19 where the stuff was -- where the gas was
20 manufactured.

21 And moving the properties to another
22 site, to my way of thinking, you would lose your
23 association with the place where it happened. You
24 would so dilute the associations that it would be
25 meaningless; it would be just a kind of a

1 Disneyland kind of situation where you have, you
2 say, well, here are historic buildings, but
3 they've lost the context that would give them
4 meaning.

5 I think moving these buildings off of
6 the historic site would cause that kind of
7 problem.

8 PRESIDING MEMBER PERNELL: Would that be
9 true if the buildings had a different use? A
10 farmers market or a retail department store?
11 Would they lose integrity then?

12 MR. CORBETT: If they stay on the site,
13 no. If the adaptation for their new use was made
14 according to the Secretary of the Interior
15 standards, which is the body of standards which
16 governs the treatment of historic properties by
17 architects.

18 If the adaptations for the use were made
19 in compliance with those standards, then the
20 buildings could retain the physical character and
21 features that they have that give them
22 significance now, but still give them significance
23 later.

24 The buildings are empty now, so if
25 they're significant now, then the fact of

1 somebody, you know, they were selling vegetables
2 or something inside, wouldn't detract any more
3 from the significance that is already conferred.

4 PRESIDING MEMBER PERNELL: So in your
5 opinion the only -- well, scratch that. If the
6 buildings were to be moved, then they would lose
7 significance. The only thing that's keeping them
8 significant is because they are on the site?

9 MR. CORBETT: Yes.

10 PRESIDING MEMBER PERNELL: Regardless of
11 the use? Whether it had anything to do with the
12 previous use.

13 MR. CORBETT: That's right, as long as
14 whatever adaptation was made to the use was
15 carried out using the Secretary of the Interior's
16 standards. If it was made without altering the
17 physical characteristics that we now judge to give
18 the building significance.

19 PRESIDING MEMBER PERNELL: And is that
20 the standard, to not alter the physical
21 characteristics of the building? Is that the
22 standards you're talking about?

23 MR. CORBETT: Yes.

24 PRESIDING MEMBER PERNELL: Does that
25 include inside?

1 MR. CORBETT: Alterations can be made.

2 It's not that no alterations could be made using
3 the Secretary of the Interior's standards. And I
4 think that the alterations to the inside could
5 probably -- I'm not an expert on the Secretary of
6 the Interior's standards, but I think you could do
7 more to the interior, certainly you could do more
8 to the interior than you could to the exterior and
9 you could still retain the physical character of
10 the buildings in such a way that they retain their
11 historic significance.

12 This is done all the time. I just
13 walked by the old public library, which is shortly
14 to be the Asian Art Museum. I believe that is
15 still considered, it is still a historical
16 building, and yet it's a completely different use
17 and very very substantial changes to the interior.
18 That's an extreme case, but that kind of thing
19 happens all the time.

20 HEARING OFFICER VALKOSKY: So, Mr.
21 Corbett, you're saying in terms of location on the
22 site, in the case of the meter and compressor
23 houses, that there is essentially very little
24 locational leeway, is that correct?

25 I mean you could possibly move these a

1 few feet, but it would have to, in your opinion,
2 be on the same site that was dedicated to gas
3 production?

4 MR. CORBETT: That's my belief. This is
5 something that happens all the time with road
6 widening, for example, for highway's going to be
7 widened, and there's a house on the property that
8 is judged to be historically significant property.
9 And the house may have to be moved back a few feet
10 on the same site. And it retains historical
11 significance. That kind of thing happens fairly
12 often.

13 And this is, I think, an equivalent
14 situation.

15 HEARING OFFICER VALKOSKY: Okay, but
16 under that hypothetical if the house were moved,
17 for example, to another block, in your opinion it
18 probably wouldn't retain its significance?

19 MR. CORBETT: It would depend on why the
20 house was significant. If it was significant
21 primarily for its history, under criterion 1,
22 talking about the California Register, or
23 criterion A of the National Register, then
24 generally, I wouldn't say never, but -- I'm not
25 sure, but I would say generally that the historic

1 site is a very important part of what is
2 significant about it, that it is still on that
3 site.

4 If it's significant primarily for its
5 architecture, if it's a great example of a Queen
6 Anne style, then there are guidelines for moving
7 historic buildings, maintaining the orientation,
8 the setting and various things of the building so
9 that it can retain its historic significance on
10 another site.

11 PRESIDING MEMBER PERNELL: Just a follow
12 up. Mr. Corbett, I don't mean to belabor this
13 issue, but when you say site, site could be
14 anything from one acre to 19 acres.

15 So, I think the follow up question I
16 have is how far can you move the building before
17 it loses its significance, in terms of feet?

18 MR. CORBETT: Well, there's no rule
19 about that. And I can't give you a number of
20 feet, I don't know.

21 PRESIDING MEMBER PERNELL: I'm just
22 trying to get a visual of how far this building
23 can be moved because the word site can mean a
24 number of anything from feet to acres. But that's
25 fine, I mean, if you don't know that's okay.

1 Thank you.

2 MS. BRADLEY: Could I add something? I
3 think your key point about what a site is would be
4 real specific to the historic property. And so
5 because we're talking about site in relationship
6 to these particular properties, the historic
7 parcel that it was on I think would be a key
8 consideration. And if you could move it within
9 that historic parcel, maintaining the same
10 orientation, the same relationship of the
11 buildings to each other, those type of things,
12 those would be key considerations as well as the
13 number of actual feet you were moving it.

14 HEARING OFFICER VALKOSKY: And under
15 that, just to follow up, how would you define the
16 historic parcel in this case?

17 MS. BRADLEY: In this case I would look
18 at the physical legal parcel that the property was
19 located on, within the City of San Francisco, and
20 look to see if on this parcel the historic use of
21 gas manufacturing took place on that entire legal
22 parcel.

23 HEARING OFFICER VALKOSKY: Okay, but you
24 just entered it as two factors, and I just want
25 your opinion on which is more important. You said

1 the whole parcel, and then that portion of the
2 parcel on which gas manufacturing took place.

3 So I understand that preference in your
4 view would be on that portion of the parcel gas
5 manufacturing took place, is that correct?

6 MS. BRADLEY: Correct.

7 HEARING OFFICER VALKOSKY: Would it be
8 acceptable to move them to another section of that
9 historic parcel, albeit perhaps on a portion of
10 the parcel where the manufacturing did not take
11 place?

12 I understand that's not preferable, but
13 would that be acceptable?

14 MS. BRADLEY: I would think that you
15 would still have the same issues related to
16 historic association. I mean they might not be as
17 strong as moving them to an entirely new parcel,
18 but you would still be left with the fact that the
19 historic process has not taken place at this site
20 you are moving them to.

21 HEARING OFFICER VALKOSKY: Okay. Thank
22 you. Just a couple more questions before we go to
23 cross-examination.

24 Ms. Bradley, on page 3 of your testimony
25 you indicate that the project will have to comply

1 with section 106 of the National Historic
2 Preservation Act, is that correct?

3 MS. BRADLEY: Can you give me just a
4 moment to trace that, please.

5 HEARING OFFICER VALKOSKY: It's on page
6 3, lines 3 and 4.

7 MS. BRADLEY: Yes.

8 HEARING OFFICER VALKOSKY: How is that
9 going to be handled?

10 MS. BRADLEY: It's my understanding that
11 a permit from the Corps of Engineers will be
12 required for the project. And that would be the
13 impetus or I guess the nexus is the word for
14 section 106 to have to be complied with.

15 HEARING OFFICER VALKOSKY: Okay, will
16 the section 106 compliance consider the location
17 of the meter and compressor houses, for example?

18 MS. BRADLEY: Section 106 compliance
19 would be, the threshold would be the National
20 Register of historic places, which is very similar
21 in all aspects to the California Register. And so
22 you would be dealing with the same type of issues
23 as significance, and how moving or demolishing a
24 property would affect its integrity and
25 significance.

1 They use the same concepts, they just
2 use a little bit different wording or terms.

3 HEARING OFFICER VALKOSKY: Okay, and
4 under section 106 of the Federal Act, is there a
5 potential for removal of the meter and compressor
6 house to result in noncompliance with the Federal
7 Act?

8 Or something that would trigger
9 mitigation as defined by the federal authorities?

10 MS. BRADLEY: Demolition of the
11 properties, if they are eligible for the National
12 Register, would be considered an adverse effect.
13 And you would need to go through the same steps of
14 trying to avoid the property. And if you're not
15 able to do that, to find mitigations.

16 Moving, with the National Register, has
17 even more stringent guidelines than the California
18 Register, in order to maintain the same qualities
19 of significance and integrity.

20 So it's more stringent than even the
21 California Register as far as moving.

22 HEARING OFFICER VALKOSKY: By more
23 stringent do you mean it would be less likely that
24 moving would be an acceptable mitigation under the
25 Federal Act? Is that what you mean?

1 MS. BRADLEY: I guess I would have to
2 look at it, but in general, yes.

3 HEARING OFFICER VALKOSKY: Okay. And
4 now at what point would you know what mitigation
5 is required by the Corps of Engineers under the
6 Federal Act?

7 MS. BRADLEY: Section 106, the Corps of
8 Engineers would be the agency that would be
9 actually making decisions. And whenever an
10 adverse effect -- they use the word effect instead
11 of impact -- is determined by the same process,
12 then the Corps of Engineers, in consultation with
13 the State Historic Preservation Officer, come up
14 with a list of mitigations that will mitigate the
15 adverse effect.

16 And it would be at the point that they
17 have reviewed the evaluation; concur that there
18 are properties that are significant and eligible
19 for the National Register; that the action, the
20 undertaking would have an adverse effect. Then at
21 that point they would decide in consultation with
22 the SHPO what the mitigation measures would be
23 required.

24 HEARING OFFICER VALKOSKY: Okay, so
25 under that regime, the consultation between the

1 federal and the state officers, does that have the
2 potential to essentially render moot any
3 mitigation which we may come up with here?

4 MS. BRADLEY: I'm going to let Mr.
5 Carroll -- I'm not sure.

6 MR. CARROLL: I believe there is the
7 possibility for conflict just as there is in any
8 situation where there's overlapping federal
9 jurisdiction between what the agencies would like.

10 What I would say in this case is that we
11 have already approached the Army Corps of
12 Engineers with respect to the dredging permit. In
13 this case it's even more complicated than it
14 normally would be because you don't approach the
15 Corps of Engineers as an individual agency as you
16 normally would, but you would approach them as a
17 member of the dredge materials management
18 organization, which consists of the Army Corps of
19 Engineers and a number of state agencies.

20 So, again, there's an additional overlap
21 between federal and state agencies in the case of
22 this particular project.

23 But, we have approached the Army Corps
24 regarding the dredging permit for this project.
25 They've reviewed the analysis that was done on

1 cultural resources and did not ask for anything
2 additional beyond what we had proposed in the
3 application for certification.

4 HEARING OFFICER VALKOSKY: Can I also
5 assume that they do not specifically state that
6 your proposed mitigation was acceptable?

7 MR. CARROLL: That's true, as well.

8 HEARING OFFICER VALKOSKY: Okay, so --

9 MR. CARROLL: They neither asked for
10 anything additional on cultural resources or gave
11 us an affirmative stamp of approval on cultural
12 resources.

13 HEARING OFFICER VALKOSKY: Okay, so
14 today, and please correct me if I'm wrong, what
15 we're really left with, and again I'm assuming we
16 have a variety of potential mitigation here, if
17 the Committee were to be convinced that one was
18 appropriate, there still would be the potential
19 that that mitigation could a) be compatible with
20 what the federal authorities, in consultation with
21 the state office, would require. Or two, be in
22 conflict with that, is that correct?

23 MR. CARROLL: I believe there is that
24 potential.

25 HEARING OFFICER VALKOSKY: Okay.

1 MR. CARROLL: We're not anticipating
2 hearing anything further from the federal agency
3 on cultural resources, given that we've already
4 been through the process with them.

5 But I think the potential always exists
6 for them to approach us.

7 HEARING OFFICER VALKOSKY: Okay, and so
8 the answer to my basic question is that we don't
9 know for sure today?

10 MR. CARROLL: I think that's true.

11 HEARING OFFICER VALKOSKY: Okay, thank
12 you. Mr. Corbett, I believe it's on page 6 of
13 your testimony you refer to the potential that
14 applicant would donate some cultural resource
15 materials to an appropriate repository?

16 Lines 12 and 13 you have the applicant
17 had proposed a conditions of certification
18 Cultural-6, the donation of historical materials?
19 Is that correct?

20 MR. CORBETT: Yes.

21 HEARING OFFICER VALKOSKY: Do you intend
22 to proceed with this, or was this just a
23 suggestion which has lapsed?

24 MR. CARROLL: I think I can answer that
25 question on behalf of the applicant. We had made

1 the suggestion. It was not picked up by the
2 staff, but if staff would like to pick it up, then
3 we would be prepared to proceed with it.

4 So we've -- we're willing to do this.

5 HEARING OFFICER VALKOSKY: Okay. Have
6 you identified any potential repositories or
7 donees that would be willing and/or eager to
8 accept this material?

9 MR. CARROLL: I don't believe so.

10 HEARING OFFICER VALKOSKY: Okay. Last
11 question. Mr. Corbett, in your attachment A you
12 state that in your opinion, and I realize we get
13 into the legal area, too, but it is in your
14 testimony, that you believe findings of overriding
15 considerations are needed, is that correct?

16 MR. CORBETT: Can you tell me where
17 you're looking?

18 HEARING OFFICER VALKOSKY: I believe
19 it's in attachment -- yes, it's on page A-3 of
20 your attachment A, the last paragraph. And I will
21 quote, "The Commission must still make overriding
22 findings concerning the permissibility of a
23 significant impact to an historic resource."

24 Now, is your reason for making that
25 statement your belief that the project, as

1 proposed, does not comply with applicable law?

2 In other words, my question is why else
3 would the Commission have to make findings of
4 overriding considerations unless there were a
5 significant unmitigated impact.

6 MR. CORBETT: My belief is that moving
7 the meter house and the compressor house would not
8 reduce the impact to less than significant.

9 HEARING OFFICER VALKOSKY: Okay, and I
10 take it demolishing them would not reduce that
11 impact, either, correct?

12 MR. CORBETT: Correct.

13 HEARING OFFICER VALKOSKY: Okay. Now,
14 Ms. Bradley, --

15 PRESIDING MEMBER PERNELL: Just to
16 follow up, even if it's moved within the
17 historical parcel?

18 MR. CORBETT: No, if it were moved
19 within the historical parcel and the orientation
20 and so forth could be retained, it's not ideal but
21 I could argue then that it retained its
22 significance.

23 HEARING OFFICER VALKOSKY: Ms. Bradley,
24 on page 4 of your testimony you're indicating in a
25 data response to CBE, which we've identified as

1 exhibit 10, you indicate that the response
2 indicated that the project, quote, "will be in
3 compliance with the California Environmental
4 Quality Act, and that no laws, ordinances or
5 regulations will be violated due to the demolition
6 of the two houses."

7 To me it seems we have a conflict here.

8 MR. CARROLL: If I could interrupt,
9 because I think --

10 HEARING OFFICER VALKOSKY: Okay.

11 MR. CARROLL: -- the information you're
12 calling for is really a legal conclusion. So let
13 me try to clarify what --

14 HEARING OFFICER VALKOSKY: Okay.

15 MR. CARROLL: -- our position is as a
16 legal matter.

17 HEARING OFFICER VALKOSKY: That's
18 exactly what I want to know.

19 (Laughter.)

20 MR. CARROLL: Our position is that
21 because these experts have identified the meter
22 house and compressor house as individually
23 eligible for the California Register, that either
24 their demolition or their relocation would result
25 in a significant impact under CEQA.

1 And therefore if the Committee were to
2 move forward with the project as proposed, it
3 would be necessary to make a finding of overriding
4 considerations.

5 I still think under those circumstances
6 that constitutes compliance with CEQA. There is a
7 significant impact that hasn't been mitigated, but
8 with overriding considerations the project would
9 still be in compliance with the law.

10 HEARING OFFICER VALKOSKY: And that's
11 the key, Mr. Carroll, I think I'm looking for.
12 You say that under either of your options there
13 would be a residual significant impact which has
14 not been mitigated below a level of significance.

15 MR. CARROLL: That is correct.

16 HEARING OFFICER VALKOSKY: That's
17 correct. Thank you.

18 MR. CARROLL: So our position would be
19 with overriding considerations, yes, we have an
20 unmitigated significant impact, but we are in
21 compliance with CEQA.

22 HEARING OFFICER VALKOSKY: Thank you for
23 that clarification.

24 MR. SMITH: Mr. Corbett, given that if
25 the buildings were demolished and all proper

1 recording, photographic recording is made, are
2 there any steps along those lines that, in your
3 opinion, would lessen the impact? If, for
4 historical purposes, the buildings and their
5 functions were recorded for posterity? Obviously
6 not in the physical sense. Would any measures
7 along those lines lessen the impact?

8 MR. CORBETT: Well, yes, there are
9 measures that would lessen the impact without
10 reducing it to less than significance. And those
11 measures would be recording to the standards of
12 the Historical American Engineering Record, just
13 called HAER. HAER documentation consists of
14 photographs, drawings, narrative, text.

15 Perhaps the salvation materials, if
16 there was an interest in that, if there was a
17 place identified where the materials could go, a
18 kiosk, I guess. I'm not -- is there anything
19 else?

20 MS. BRADLEY: I think that the
21 mitigations that were proposed in our report
22 attempted to do what you were saying, would be to
23 provide all reasonable kind of ways of documenting
24 for our society now and in the future the
25 historical significance of the properties.

1 However, as Michael pointed out, CEQA
2 asks that you do that, but it says that even
3 though you've done that, you still haven't
4 mitigated to a less than significant level, the
5 demolition of the properties. Kind of recognizing
6 that demolition of properties is very difficult,
7 if not impossible, to mitigate.

8 MR. SMITH: Okay, I'm sorry. Just to
9 clarify, then, the measures such as recording,
10 donating materials, the kiosk, measures of that
11 kind, they do or they would or would not reduce
12 the impact of demolition to less than
13 significance?

14 MR. CORBETT: They would not reduce --

15 MR. SMITH: They would not.

16 MR. CORBETT: -- it to less than
17 significant.

18 MR. SMITH: So even with those measures
19 you are still suggesting that under CEQA the
20 Commission would have to make an overriding
21 considerations. Okay.

22 HEARING OFFICER VALKOSKY: Mr.
23 Westerfield.

24 MR. WESTERFIELD: Thank you very much.

25 //

CROSS-EXAMINATION

BY MR. WESTERFIELD:

Q Ms. Bradley, being from Louisiana, myself, it's nice to see someone out here from LSU.

MS. BRADLEY: LSU.

MR. WESTERFIELD: LSU, very great state university. So, welcome.

I'd like to return to the subject of the historic parcel that we talked about some before. As I believe Mr. Corbett testified that if the buildings were moved from the historic site, the gas manufacturing process, to another location on the historic parcel, all other things being done that are necessary, that could preserve its historical significance.

And that that site is not in the center of the project, as proposed. So you can move it to that location.

Have you looked at any documents that will tell you exactly what the legal parcel is? where it is?

MS. BRADLEY: Both the evaluation prepared by us in our submittal that actually evaluated the five buildings, identified the

1 historic parcel.

2 And we have looked at that in our
3 response to the CEC's further questions to
4 identify what the legal parcel was, yes.

5 MR. WESTERFIELD: So can you tell me
6 where that is?

7 MS. BRADLEY: Yes. It may be a little
8 bit difficult right here, but if we were --

9 MR. WESTERFIELD: Well, let me ask you
10 this, I mean I think what I'm looking for is where
11 is it in relation to that center of the site --

12 MS. BRADLEY: I see what you're saying.

13 MR. WESTERFIELD: -- that Mr. Corbett
14 testified you move it to, it's not on the historic
15 parcel.

16 MS. BRADLEY: I see what you're saying,
17 yes. If you are aware of where the location is of
18 station A, the property that is to the east of
19 that, which I think that's what you're calling the
20 center of the site, that was historically. Well,
21 legally it's a separate parcel, and historically
22 it was a different use.

23 MR. WESTERFIELD: Um-hum.

24 MS. BRADLEY: It was not part of the gas
25 manufacturing process; it was a part of a sugar

1 refinery.

2 MR. WESTERFIELD: And how far is it if
3 you were to move it to this .8 acre site that Mr.
4 Corbett was referring to, how far is it from the
5 historic parcel in terms of feet?

6 MS. BRADLEY: I can't answer that right
7 now. I'd have to look.

8 MR. WESTERFIELD: Okay. Mr. Corbett,
9 I'll direct that question to you. You testified
10 that moving it to this location is not on the
11 historic parcel. How do you know it's not on the
12 historic parcel?

13 MR. CORBETT: We have parcel maps that
14 show that it's not.

15 MR. WESTERFIELD: Can you show us --
16 could you show me, please, in your maps why moving
17 it there is not on one of the historic parcels?

18 MS. BRADLEY: I have some parcel maps,
19 not up here, but I have some. Would you like me
20 to get them?

21 MR. WESTERFIELD: That would be great.

22 MS. BRADLEY: Okay.

23 (Pause.)

24 MR. CARROLL: Can I make a suggestion
25 that we hold that question until after we take a

1 break? We have to pull it together and bring it
2 up, or do we want to wait?

3 MR. WESTERFIELD: How difficult is it to
4 retrieve it?

5 MR. CARROLL: I don't know.

6 MR. WESTERFIELD: Maybe we can check.

7 HEARING OFFICER VALKOSKY: Mr.
8 Westerfield, is that going to upset the flow of
9 your cross?

10 MR. WESTERFIELD: A little bit.

11 HEARING OFFICER VALKOSKY: We'll take a
12 ten-minute recess at this point.

13 (Brief recess.)

14 PRESIDING MEMBER PERNELL: We're back on
15 the record. Mr. Valkosky.

16 HEARING OFFICER VALKOSKY: Mr.
17 Westerfield, you had just commenced your cross-
18 examination, please continue.

19 MR. WESTERFIELD: Yes, and I had a
20 discussion with Mr. Carroll off the record about
21 the ability today of applicant to respond to my
22 question about the location of the historic
23 parcel, and perhaps he should now speak to that.

24 MR. CARROLL: We have and some of the
25 other parties have a variety of maps, and we

1 compared all those maps during the break and what
2 became clear was that none of them were
3 particularly clear in delineating the historic
4 parcels.

5 We also don't have enough copies for
6 everyone. So, what I would offer is that we will
7 submit an exhibit clearly delineating the
8 historical parcels on the Potrero Power Plant
9 site. And we will also make a witness available
10 at a future date for questioning on that exhibit
11 should any of the parties have any questions with
12 respect to that.

13 Given what we have available to us today
14 I think that's probably the best way to handle it.

15 HEARING OFFICER VALKOSKY: Okay, and
16 when do you anticipate submitting the proposed
17 exhibit?

18 MR. CARROLL: By the end of the week.

19 HEARING OFFICER VALKOSKY: All right,
20 fine. We'll deal with that as a continuation
21 matter at some future hearing then.

22 MR. WESTERFIELD: Thank you.

23 BY MR. WESTERFIELD:

24 Q Ms. Bradley, are you familiar with the
25 tanks that are located on the site? The big huge

1 tanks that contain oil or whatever?

2 MS. BRADLEY: Yes, on a pedestrian
3 level, yes, I know the big tanks you're talking
4 about.

5 MR. WESTERFIELD: Do you know which tank
6 is number tank 4?

7 MS. BRADLEY: No, I do not unless it's
8 pointed out to me.

9 MR. WESTERFIELD: Mr. Corbett, do you
10 know which tank I'm speaking of?

11 MR. CORBETT: No.

12 MR. WESTERFIELD: Okay, well, I'll ask
13 this question. Ms. Bradley, do you know if any of
14 the tanks are located on the historic parcel?

15 MS. BRADLEY: I believe they are, but
16 again I would like to check that. But I think
17 that they are.

18 MR. WESTERFIELD: Okay. Do you have a
19 different understanding, Mr. Corbett?

20 MR. CORBETT: I think they are, but I
21 don't -- I guess I need to see this map, I don't
22 know.

23 MR. WESTERFIELD: Okay.

24 PRESIDING MEMBER PERNELL: I'll just ask
25 that everybody speak up, please. We have people

1 in the audience, they can't hear. So if you have
2 a microphone other than the recorder -- you're
3 okay on the requirement, but I'll just ask that
4 you get closer to the mike so people can hear.

5 MR. CARROLL: Commissioner Pernell, I
6 don't believe the amplification mikes are working.

7 PRESIDING MEMBER PERNELL: Well, that's
8 why people can't hear.

9 (Laughter.)

10 PRESIDING MEMBER PERNELL: All right, if
11 you could just speak up both on your cross, as
12 well as the answers. We'll take care of the mikes
13 a little later.

14 BY MR. WESTERFIELD:

15 Q Mr. Corbett, do you know how far the
16 current location of the meter or compressor houses
17 are from the boundary of the historic parcel that
18 contains the tanks?

19 MR. CORBETT: Well, I believe that most
20 of the tanks are on the historic parcel, so how
21 far they are from the tanks --

22 MR. WESTERFIELD: No, how far the
23 buildings are, the compressor house and the meter
24 house are, from the historic parcel that contains
25 the tanks.

1 MR. CORBETT: I believe they're all the
2 same parcel, so I don't know how to answer your
3 question. I don't understand your question.

4 MR. WESTERFIELD: Okay, so your
5 testimony is they're on the same parcel?

6 MR. CORBETT: I believe so. Ms.
7 Bradley, I wanted to refer you to some of your
8 testimony. On page 2, lines 25 through 27, I
9 believe it says that you explained in a -- that
10 you simply explained that the avoidance or
11 alteration of the proposed project to avoid
12 demolition of these two structures is not
13 possible.

14 Did you consider any alterations to the
15 project in order to save the meter house and the
16 compressor house by redesigning the project?

17 MS. BRADLEY: I'll let Mr. Carroll
18 follow up on this, but what we relied on, what I'm
19 stating there is that the engineering information
20 that we gave indicated that it was not possible.

21 And I understand the second part of your
22 question was were there attempts to redesign the
23 project to accommodate the buildings to have them
24 remain, and again I'd like to rely on Mr. Carroll
25 since I just took the engineering information, but

1 I believe yes, there was.

2 MR. WESTERFIELD: Do you know who did
3 that?

4 MS. BRADLEY: I believe, and again Mr.
5 Carroll can tell me, I believe it was the
6 applicant's engineers.

7 MR. WESTERFIELD: Who is that?

8 MS. BRADLEY: I couldn't give you that
9 specific name or that information.

10 MR. CARROLL: I think Mr. Stone, who is
11 our next witness, will be able to answer that
12 question.

13 MR. WESTERFIELD: Do you know who gave
14 you -- you have just testified that you relied
15 upon information that some person gave you,
16 someone gave you. Do you know who that person is?

17 MS. BRADLEY: Yes, that would be Mr.
18 Dale Shileikis, who is the Project Manager for
19 URS.

20 MR. WESTERFIELD: All right. And what
21 did he tell you about not being able to redesign
22 the project to avoid the demolition of these
23 buildings?

24 MS. BRADLEY: Could you ask that again?
25 I'm not sure what you're asking.

1 MR. WESTERFIELD: Well, what did he tell
2 you about not being able to redesign the project
3 in order to avoid demolishing these buildings?

4 MS. BRADLEY: I'm not sure that he told
5 me anything, but I believe he gave me information
6 that we read -- again, this has been several years
7 ago -- that the engineers had looked at what
8 needed to be in an engineering complex of this
9 type, and what those needs of the project, how
10 they did or did not allow for changes to be made.

11 And I remember it had something to do
12 with the actual location of these buildings and
13 why something, again I'm not an engineer, why part
14 of the structures for the new plant would need to
15 be located there.

16 MR. WESTERFIELD: Okay, but that's
17 information you -- is that information you relied
18 upon in your opinion --

19 MS. BRADLEY: Yes, I --

20 MR. WESTERFIELD: -- that you --

21 MS. BRADLEY: -- did, I relied upon the
22 information that was given to me, yes. Because I
23 am not an engineer.

24 MR. WESTERFIELD: Okay. Mike, is that
25 information part of the record? Because it is

1 relied upon by your witness.

2 MR. CARROLL: Yes, it is part of the
3 record. It's part of the project description.

4 MR. WESTERFIELD: Okay.

5 MR. CARROLL: The location of proposed
6 Unit 7 is absolutely part of the project
7 description including its location on the power
8 plant site. And it was that information which
9 these experts and many others relied upon in
10 conducting their analysis.

11 MR. WESTERFIELD: Okay, so it's part of
12 the project description?

13 MR. CARROLL: Correct. I'd also suggest
14 that it is part of the alternatives analysis, and
15 maybe questions along this line might be
16 appropriate for some of the alternatives
17 witnesses.

18 But I think what these experts are
19 testifying to is we were told that this is where
20 Unit 7 needs to go. And they didn't fully
21 understand all the reasons for that, because
22 they're not engineers, but they accepted that and
23 conducted their analysis accordingly.

24 MR. WESTERFIELD: Okay. So, again, Ms.
25 Bradley, what exactly was the information you

1 relied upon when you testified that you explained
2 that avoidance or alteration of the proposed
3 project to avoid demolition of these two
4 structures is not possible?

5 MS. BRADLEY: Just that, that the
6 engineering information that I was given said that
7 it was not possible to redesign the project to
8 accommodate these two buildings remaining.

9 MR. WESTERFIELD: In making that
10 opinion, did you consider any redesign of the
11 project in order to preserve one or two of the
12 buildings, alone, such as the meter house alone?

13 MS. BRADLEY: No, I'm not aware, I don't
14 remember doing that, no.

15 MR. WESTERFIELD: Okay. To your
16 knowledge does the footprint of the project cover
17 the meter house?

18 MS. BRADLEY: I'm going to say yes, but
19 again my idea of the footprint of the project may
20 be not very technical, but, yes. I think --

21 MR. WESTERFIELD: Can you show me that
22 on any map?

23 MS. BRADLEY: I'm sure we could have
24 one, but I don't have one right here.

25 MR. WESTERFIELD: Okay, so we can avoid

1 another break I do have some maps which I can
2 distribute. I don't know if they're the best
3 ones, but perhaps we can work with those.

4 HEARING OFFICER VALKOSKY: Mr.
5 Westerfield, what is the source of these maps?

6 MR. WESTERFIELD: I was about to ask the
7 witness.

8 Ms. Bradley.

9 MS. BRADLEY: Yes.

10 MR. WESTERFIELD: Do you recognize any
11 of these maps?

12 MS. BRADLEY: I recognize the one that's
13 the color photograph that says new figure 8.3-1B.
14 That was from the information related to cultural
15 resources that we provided.

16 I'm not clear on your exhibit F.1, I see
17 that it's the Union Iron Works. I'm not sure of
18 where that comes from.

19 And then the last one that you handed
20 out, figure 2-1, appears to be a figure from again
21 the information that we've been provided in our
22 package. Not specifically, I don't believe, to
23 cultural resources, but a part of the general
24 submission.

25 HEARING OFFICER VALKOSKY: Ms. Bradley,

1 when you say the information that applicant
2 provided, provided in what filing?

3 MS. BRADLEY: I'd have to rely on Mr.
4 Carroll for that specific information.

5 MR. CARROLL: The color photograph and
6 the last diagram were submitted as part of the
7 AFC. So this is figure 8.3-1B was included in
8 cultural resources section which Ms. Bradley's
9 sponsoring. Figure 2-1 was in the project
10 description section, which she is not sponsoring.

11 HEARING OFFICER VALKOSKY: Project
12 description of the AFC filing?

13 MR. CARROLL: Correct. And exhibit F.1
14 I'm not familiar with, either.

15 HEARING OFFICER VALKOSKY: Thank you.
16 BY MR. WESTERFIELD:

17 Q Ms. Bradley, turning to the third of the
18 three pages, what does this depict?

19 MS. BRADLEY: I'm sorry, I couldn't hear
20 you.

21 MR. WESTERFIELD: I'm sorry. Turning to
22 the third of the three pages, --

23 MS. BRADLEY: Yes.

24 MR. WESTERFIELD: -- what is this? What
25 does it show?

1 MS. BRADLEY: It indicates that it is
2 Unit 7 modified electric interconnection. And if
3 you turn the map you can see 22nd Street, 23rd
4 Street and Illinois Street. And so it is showing,
5 I believe, the layout of the new plant on the
6 property that's bounded by those sites. And, of
7 course, the meter house and compressor house are
8 located on this property now.

9 MR. WESTERFIELD: Okay, so it depicts,
10 as far as you can tell, the outlines of the
11 project on the site?

12 MS. BRADLEY: Yes.

13 MR. WESTERFIELD: Can you identify on
14 this map where the meter house is located?

15 MS. BRADLEY: Where it would have been
16 located? Because it's no longer there.

17 MR. WESTERFIELD: Where it's located
18 now. Where the meter house is located.

19 MS. BRADLEY: Well, if you look at the
20 gray line, if you see where it says Humboldt
21 Street and 23rd Street, --

22 MR. WESTERFIELD: Yes.

23 MS. BRADLEY: -- there is a gray line, a
24 dotted line and there's a gray section.

25 MR. WESTERFIELD: Yes.

1 MS. BRADLEY: The meter house and
2 compressor house would be located, I believe, what
3 would be east of that gray section.

4 MR. WESTERFIELD: Okay.

5 MS. BRADLEY: And to give you the exact
6 location I would need to have maps that were
7 comparable in scale.

8 MR. WESTERFIELD: Right.

9 MS. BRADLEY: But they're in the section
10 that's white.

11 MR. WESTERFIELD: Okay. Can you draw in
12 the meter house to the best of your ability?

13 MS. BRADLEY: Sure.

14 (Pause.)

15 MS. BRADLEY: I mean I can do --

16 MR. CARROLL: I guess I have a question.
17 I mean I guess any of us are capable of drawing a
18 rectangle in the general vicinity of where we
19 think the meter house would be, but it's not going
20 to be to scale. I guess I'm not sure what the
21 value of it would be.

22 And I think I understand, Mr.
23 Westerfield, where you're headed. The ultimate
24 question is why couldn't the project be designed
25 in such a way that retains room for the meter

1 house? We can answer that question, but these are
2 not the appropriate witnesses.

3 These witnesses accepted the project
4 design as it was given to them. And not being
5 engineers they're not going to be able to answer
6 your question as to whether or not, from an
7 engineering standpoint, things could have been
8 moved or manipulated to accommodate the meter
9 house staying there.

10 I think Mr. Stone, later today, or our
11 witnesses that are coming back later on project
12 design, Ms. Zambito, would be able and willing to
13 answer those questions.

14 But I'm not sure that these are the
15 appropriate witnesses. I understand where you're
16 going, I appreciate the point. And we're happy to
17 address it, but I just don't think these are the
18 right folks.

19 MR. WESTERFIELD: I'm happy to put the
20 question to others that you think are better
21 suited, but I do have to maintain that first the
22 question you said is not my question.

23 My question first is whether the
24 project, as currently designed, requires the
25 demolition of the meter house. That's not what

1 you said.

2 And secondly, where I'm going with this,
3 is your witness, this witness, Ms. Bradley, has
4 testified that the project requires the demolition
5 of these structures. That's her sworn testimony.
6 And I'm trying to probe the basis for that
7 opinion.

8 MR. CARROLL: And I think what she's
9 told you is the basis of her opinion is based on
10 the information that she received by the people
11 who engineered and designed the project.

12 HEARING OFFICER VALKOSKY: Yeah, Mr.
13 Westerfield, I think she has made that point a
14 couple of times now.

15 As far as putting in the existing
16 locations of the meter and compressor houses, I
17 think, you know, as Ms. Bradley's admittedly rough
18 guess, that's fine. I understood Mr. Carroll to
19 say that Mr. Stone will be capable to discuss it
20 in more detail if you would like to pursue the
21 rough location for present purposes to orient all
22 of us, that's fine.

23 MR. WESTERFIELD: That's fine, but I
24 request -- I'd like to request the applicant to
25 produce a map that would show the location of the

1 meter house, along with the footprint of the
2 project. Is that possible?

3 HEARING OFFICER VALKOSKY: Mr. Carroll?

4 MR. CARROLL: We'd be happy to do that.

5 HEARING OFFICER VALKOSKY: Okay, and
6 again, when could we expect that map? What I'm
7 asking is if it's something that's available
8 today, or will this be submitted and discussed in
9 the continuation of today's hearing?

10 MR. CARROLL: We would not be able to
11 produce that today, but we could produce it and
12 provide it by the end of the week.

13 HEARING OFFICER VALKOSKY: Okay, fine.

14 MR. WESTERFIELD: Okay, thank you.

15 MR. CARROLL: So just so I'm clear what
16 we want to see is an aerial photograph as the
17 project currently exists with Unit 7 transposed
18 onto that? Or a written diagram with Unit 7 and
19 the existing structures? Either one of those?

20 MR. WESTERFIELD: I think anything
21 that's clear that shows where the project goes,
22 and where the meter house and the compressor house
23 are now.

24 MR. CARROLL: Okay. And I assume that
25 applicant will produce a witness to testify about

1 that?

2 MR. CARROLL: Yes.

3 MR. WESTERFIELD: Thank you.

4 HEARING OFFICER VALKOSKY: And that
5 would be, all of this, as I mentioned before,
6 would be in any continuation of today's session on
7 cultural resources. Okay. Proceed.

8 MR. WESTERFIELD: Thank you. I have
9 some questions, Mr. Corbett, for you. First off I
10 have sort of an administrative matter. The staff,
11 I believe, never received a r,sum, from Mr.
12 Corbett. One was not filed, as far as I know.

13 HEARING OFFICER VALKOSKY: Okay, I'd
14 like to clarify that. For the record, I have a
15 copy which was filed as part of applicant's
16 prehearing conference statement. Is there any
17 correction or supplement to that, Mr. Carroll?

18 MR. CARROLL: No. That's consistent
19 with my records, and there haven't been any
20 changes to the r,sum, since the filing of the
21 prehearing conference statement.

22 I would be happy to provide a copy to
23 Mr. Westerfield.

24 MR. WESTERFIELD: Thank you.

25 HEARING OFFICER VALKOSKY: Mr.

1 Westerfield? Please.

2 MR. WESTERFIELD: In any event, till
3 that happens, Mr. Corbett, --

4 MR. CARROLL: Well, just to be clear, it
5 did happen once. We'll be happy to provide --

6 HEARING OFFICER VALKOSKY: I think --

7 MR. WESTERFIELD: That's --

8 HEARING OFFICER VALKOSKY: -- let's --

9 MR. WESTERFIELD: I'm not saying it
10 didn't happen, I'm just saying until you --

11 HEARING OFFICER VALKOSKY: No, I
12 understood that Mr. Westerfield means until you
13 give him a copy of it. We've noted that it has
14 been filed in due course. Proceed.

15 BY MR. WESTERFIELD:

16 Q Mr. Corbett, can you outline for me
17 please what your CEQA experience is?

18 MR. CORBETT: Well, in my work over many
19 years it's a typical component of the projects
20 that I deal with. Many many many projects where I
21 address CEQA issues.

22 MR. WESTERFIELD: Can you give me a
23 general idea?

24 MR. CORBETT: A general idea. Well, I
25 am currently working on a large project for the

1 Port of San Francisco riding on a National
2 Register Historic District nomination.

3 And one of the, among many purposes of
4 that, one underlying purpose is that it could be
5 used for CEQA review.

6 I did a survey in Palo Alto; finished it
7 a couple years ago, that spent three years with
8 hundreds of buildings in Palo Alto. And a very
9 important part of that was to identify -- my role
10 in CEQA issues has been more to identify
11 historical properties that are used in CEQA than
12 to deal with the CEQA process, itself. But I've
13 been involved in that.

14 MR. WESTERFIELD: Okay. But would you
15 consider yourself an expert in designing CEQA
16 mitigation?

17 MR. CORBETT: In many many projects that
18 has been a component of the project, where I would
19 recommend CEQA mitigation, so, yes.

20 MR. WESTERFIELD: Under CEQA what
21 happens if something cannot be mitigated to a
22 level of less than significance?

23 MR. CARROLL: That question calls for a
24 legal conclusion. What Mr. Corbett has testified
25 is that he's participated as an architectural

1 historian in many CEQA processes. But I'm not
2 sure that he's qualified to answer legal
3 questions.

4 HEARING OFFICER VALKOSKY: Mr. Carroll,
5 I'd note the legal nature of the question. I will
6 also note, however, that in response to one of my
7 earlier questions concerning attachment A,
8 specifically page 83 of his testimony, Mr. Corbett
9 offered something that could be considered a legal
10 opinion or not, concerning overriding
11 considerations. Okay.

12 So, to the extent Mr. Corbett feels
13 comfortable, and legal matters notwithstanding,
14 feels comfortable as an expert answering
15 procedural questions on CEQA, I'm prepared to let
16 him go. It's covered within his testimony.
17 Proceed.

18 MR. WESTERFIELD: Thank you, Mr.
19 Valkosky.

20 Do you need the question repeated?

21 MR. CORBETT: Yes, please.

22 MR. WESTERFIELD: Okay. Under CEQA what
23 happens if the destruction of an historical
24 resource cannot be mitigated to a level of less
25 than significant?

1 MR. CORBETT: Well, my understanding,
2 which is -- my understanding of these things is a
3 very practical one, where when I make evaluations
4 then I've learned how those plug into the CEQA
5 process. But I'm not an expert on the CEQA
6 process, itself.

7 My understanding, to answer your
8 question, is that if, after mitigation, the action
9 is not reduced to less than significance, then the
10 project can go ahead if the statement of
11 overriding considerations is given.

12 MR. WESTERFIELD: All right. I
13 understand that to be the situation in our process
14 and the Energy Commission's process. Simply under
15 CEQA if you have a project that cannot be
16 mitigated to less than significance are there any
17 CEQA -- what happens? Are there any further steps
18 that should be taken in order to redesign the
19 project, for example, in order to reduce the
20 impact? The project be changed? What are the
21 consequences of not being able to mitigate to less
22 than significance?

23 PRESIDING MEMBER PERNELL: Mr. Corbett,
24 if you don't know --

25 MR. CORBETT: I don't know.

1 PRESIDING MEMBER PERNELL: -- you can
2 simply state --

3 MR. CORBETT: I don't know.

4 PRESIDING MEMBER PERNELL: -- you don't
5 know.

6 HEARING OFFICER VALKOSKY: Just one
7 aside. Mr. Corbett, is it your opinion that if
8 there are significant unmitigated impacts that
9 your role as an expert would be to identify
10 feasible mitigation measures which would reduce or
11 eliminate those impacts?

12 MR. CORBETT: Yes.

13 HEARING OFFICER VALKOSKY: Okay. Have
14 you done that in this case?

15 MR. CORBETT: Yes.

16 HEARING OFFICER VALKOSKY: Are there, in
17 your opinion as an expert, feasible mitigation
18 measures which would reduce or eliminate the
19 impacts due to the demolition of the meter and
20 compressor houses?

21 MR. CORBETT: I don't think there are
22 any mitigation measures which would reduce the
23 impact to less than significant.

24 HEARING OFFICER VALKOSKY: Okay, but
25 would it reduce it below the level which it would

1 otherwise be?

2 MR. CORBETT: Well, any mitigation is
3 better than -- I wouldn't say any mitigation, but
4 a historic, let's say the HAER recording of
5 historic property that's going to be demolished
6 has a long-term value that has public value that
7 is worth doing, even if it's not reducing it to
8 less than significant.

9 HEARING OFFICER VALKOSKY: Right, and as
10 I understood the earlier testimony, the HAER
11 recording --

12 MR. CORBETT: Salvage materials, --

13 HEARING OFFICER VALKOSKY: -- salvaging
14 material, use of the interpretative kiosk, --

15 MR. CORBETT: Right.

16 HEARING OFFICER VALKOSKY: -- would all
17 be measures which, while they would not reduce the
18 impact below a level of significance, would
19 nevertheless reduce the impact, --

20 MR. CORBETT: Yes.

21 HEARING OFFICER VALKOSKY: -- is that
22 correct?

23 MR. CORBETT: That's correct.

24 HEARING OFFICER VALKOSKY: Okay. Are
25 there any other measures which have not been

1 identified that would serve to reduce the impact?

2 MR. CORBETT: Not that I'm aware of.

3 HEARING OFFICER VALKOSKY: Thank you.

4 BY MR. WESTERFIELD:

5 Q Mr. Corbett, would not demolishing the
6 building reduce the impact?

7 MR. CORBETT: If the buildings were to
8 stay on their site, yes, that would reduce the
9 impact.

10 MR. WESTERFIELD: If the meter house
11 were to stay and the compressor house were to be
12 moved to a location on the Mirant property, would
13 that mitigate the impact?

14 MR. CORBETT: Well, the guidelines for
15 moving historic buildings include maintaining
16 historic orientation and relationships. So if the
17 two were separated then that would not be an
18 effective solution.

19 MR. WESTERFIELD: So not demolishing the
20 meter house would not mitigate the impact?

21 MR. CORBETT: Yes, it would -- it's a
22 partial -- it's an impact, it wouldn't mitigate
23 the impact of demolishing the compressor house,
24 but it would mitigate. It is some mitigation that
25 is more than no mitigation, that's true.

1 MR. WESTERFIELD: I want to direct you
2 to your testimony on page 3, I believe it's on
3 lines 6, 7 and 8. You testified that the project
4 would have a cumulative impact on cultural
5 resources in California because of the destruction
6 of the compressor and meter houses.

7 What other resources are you referring
8 to as part of the cumulative impact?

9 MR. CORBETT: Well, just in the course
10 of time, historic buildings are being demolished
11 all the time. And historic industrial buildings
12 from the early part of the 20th century are being
13 demolished all the time.

14 So the more you lose, the more it
15 contributes to a cumulative impact.

16 MR. WESTERFIELD: Did you have any
17 specific historical resources in mind when you
18 made that statement?

19 MR. CORBETT: Well, I worked on a
20 cannery in Emeryville a couple years ago that's
21 been demolished. We're looking at a couple of
22 industrial buildings in West Berkeley that are
23 probably going to be demolished. All the time in
24 many places early 20th century industrial
25 buildings are being demolished.

1 MR. WESTERFIELD: What other examples of
2 historical resources that are significant in the
3 history of the gas manufacturing process remain in
4 northern California?

5 MR. CORBETT: The only building that I
6 know of is the building at the corner in San
7 Francisco at North Point and Fillmore or
8 something. For many years it was the Merryvale
9 Antiques Building. It was the, I think, San
10 Francisco Gas Line Company. I'm not sure about
11 the name, but there's a very prominent building;
12 it's a San Francisco City landmark that was, I
13 believe, an administrative building for that
14 company. And it was adjacent to manufacturing
15 buildings, none of which I believe are still
16 there.

17 MR. WESTERFIELD: So this building
18 you're referring to was significant in the history
19 of the gas manufacturing process?

20 MR. CORBETT: Yes. Well, yes, as an
21 administrative building, yes.

22 MR. WESTERFIELD: So outside of that are
23 these the only remaining buildings significant to
24 the gas manufacturing process in northern
25 California as far as you know?

1 MR. CORBETT: I don't know the answer to
2 that. They're the only buildings associated with
3 gas manufacturing process by PG&E, which was the
4 principal manufacturer of these things left in San
5 Francisco.

6 MR. WESTERFIELD: But you don't know
7 what other companies might have similar buildings
8 still in existence?

9 MR. CORBETT: I don't know for certain.
10 I don't believe that there are any other gas
11 manufacturing buildings built by anybody. And I
12 would be surprised if they existed elsewhere in
13 northern California, but I don't know.

14 The industry's been obsolete for 50
15 years and most of those facilities have been
16 demolished.

17 MR. WESTERFIELD: In your opinion is the
18 gas manufacturing business important to the
19 history of California? And if so, why?

20 MR. CORBETT: It is significant, yes.
21 And the reason is because it was the only source,
22 whereas in other states natural gas was available
23 much earlier than in California. In California it
24 was the only source in early 20th century of gas
25 for lighting and heating.

1 MR. WESTERFIELD: Now on page 4 of your
2 testimony I think you testified, you said you
3 concluded -- on lines 17 through 20, concluded
4 that each of the buildings, the meter house and
5 compressor house possess a substantial degree of
6 integrity. But that, at the same time, as a part
7 of the Potrero Gas Works each has lost a
8 substantial amount of integrity because of the
9 loss of machinery and the loss of these parts of
10 the works where gas was manufactured. Each has
11 lost integrity of design, setting, materials,
12 workmanship and feeling.

13 What standards, if any, do you use to
14 determine what amount loss of design setting,
15 materials, et cetera, is enough of a loss of
16 integrity to make the building ineligible for the
17 California Register of Historic Resources?

18 MR. CORBETT: The California Register,
19 itself, does not publish guidelines on that
20 subject. The California Register is, in its
21 language and its function, is very similar to that
22 of the National Register.

23 The National Register provides
24 guidelines for integrity, for how to interpret
25 integrity, which are published in National

1 Register holdings 15 and 16, for example. And
2 those are the ones that I've used.

3 MR. WESTERFIELD: So are there any
4 standards from those guidelines that you used to
5 determine, for example, that the meter house had
6 lost integrity of materials?

7 MR. CORBETT: In bulletin 15 and 16
8 integrity of materials is defined. And in
9 relation to that definition I draw my conclusion.

10 MR. WESTERFIELD: So what is the
11 standard that you used, can you articulate the
12 standard that you used to tell us that this
13 building no longer has integrity of materials?

14 MR. CORBETT: Well, I have a copy of
15 bulletin 15, so why don't I read that.

16 Materials are the physical elements --
17 this is National Register bulletin 15, -- National
18 Park Service, on page 45.

19 Materials are the physical elements that
20 were combined or deposited during a particular
21 period of time and in a particular pattern or
22 configuration to form a historic property. And it
23 has a discussion more paragraphs about that.

24 MR. WESTERFIELD: What about that --

25 HEARING OFFICER VALKOSKY: Excuse me.

1 What's the date on that, Mr. Corbett?

2 MR. CORBETT: The date of the
3 publication?

4 HEARING OFFICER VALKOSKY: Yes.

5 MR. CORBETT: 1991.

6 HEARING OFFICER VALKOSKY: Is that the
7 most recent --

8 MR. CORBETT: Yes, it is.

9 HEARING OFFICER VALKOSKY: Thank you.

10 MR. WESTERFIELD: So what about that
11 definition did you use to conclude that the meter
12 house, for example, has lost its integrity of
13 materials?

14 MR. CORBETT: I would have to look back
15 at the evaluation, itself. Response to data
16 request 192, we presented a discussion of the
17 integrity. And so on page 192-2 at the top of the
18 page I'll just read what was said here, materials
19 as a building. The meter house retains all of its
20 original materials except its corrugated metal
21 roof, considered as a building, retains integrity
22 of materials.

23 As an element of the Gas Works
24 operations, because its meters and other equipment
25 have been completely removed, the materials of

1 that equipment are no longer represented and the
2 meter house has lost integrity of materials.

3 MR. WESTERFIELD: So the materials
4 you're referring to were the equipment of the gas
5 manufacturing process, or --

6 MR. CORBETT: Yes.

7 MR. WESTERFIELD: -- distribution
8 process that were contained in the materials -- in
9 the building?

10 MR. CORBETT: Right.

11 MR. WESTERFIELD: And that's the basis
12 for your judgment that it lost integrity of
13 materials?

14 MR. CORBETT: I'm sorry, can you go back
15 and tell me where I said it lost integrity of
16 materials? Where that is stated?

17 MR. WESTERFIELD: Yes. On page 4 of
18 your testimony at line 19 and 20.

19 MR. CORBETT: Yes, that's what I'm
20 referring to there. To the loss of the machinery
21 and so forth.

22 MR. WESTERFIELD: Okay. Now, Mr.
23 Corbett, isn't it true that in coming to
24 conclusions about the loss of integrity based upon
25 design, setting, materials, it's a matter of

1 professional judgment?

2 MR. CORBETT: Yes. That judgment is
3 constrained by both the discussion and precedent
4 and experience, but, yes, that certainly is true.

5 MR. WESTERFIELD: And so you use your
6 professional judgment in interpreting those
7 definitions --

8 MR. CORBETT: That's correct.

9 MR. WESTERFIELD: -- of the, what is it
10 again, the pamphlet that you showed?

11 MR. CORBETT: It's referred to as
12 National Register bulletin 15.

13 MR. WESTERFIELD: Okay. All right. You
14 testified earlier today on direct examination
15 something I didn't quite hear, that someone or
16 something frowns on moving historic resources. I
17 couldn't catch, who is it that frowns on moving
18 historic resources?

19 MR. CORBETT: People at the National
20 Park Service. People in general. There are
21 appropriate times to move historic buildings, but
22 in general, people involved in the field of
23 historic preservation would say that that's not
24 your first choice in preserving historic
25 buildings.

1 MR. WESTERFIELD: Granted that, do you
2 frown on relocating historic buildings,
3 personally, in your professional judgment?

4 MR. CORBETT: I would say exactly what I
5 said a second ago, that I think there are
6 situations where it's appropriate, where an
7 historic building can be moved and its historic
8 value can be retained.

9 I think in most cases that is not the
10 case.

11 MR. WESTERFIELD: Okay. Which do you
12 frown on most, demolishing historic resources or
13 moving them?

14 MR. CORBETT: If a building can be
15 retained on its site that is the highest priority.

16 MR. WESTERFIELD: I didn't understand
17 your answer. Which do you frown on most,
18 demolishing buildings or moving them?

19 MR. CORBETT: Well, if a building can be
20 preserved on its site that is the preferable
21 alternative. If it cannot be preserved on its
22 site, if it can be moved and can be retained, and
23 its integrity can be retained, then that is a
24 satisfactory alternative.

25 MR. WESTERFIELD: Would you prefer to

1 see that rather than demolishing a building?

2 MR. CORBETT: Would I prefer to see --

3 MR. WESTERFIELD: The moving of a
4 building according to what you just testified
5 rather than demolishing it?

6 MR. CORBETT: If it retained its
7 historic integrity, yes.

8 MR. WESTERFIELD: Well, what if it
9 didn't retain its historical integrity? What if,
10 for example, you couldn't quite put it in the
11 exact location that preserves its historic
12 integrity, would you prefer to see it demolished
13 or moved?

14 MR. CORBETT: The world of preservation
15 is full of places that are phony places that don't
16 ring true because buildings have been moved in a
17 way that did not retain their character, their
18 historic significance. And I'm not in favor of
19 seeing that happen.

20 If a building can be moved and retain
21 its character then I'm in favor of that.

22 MR. WESTERFIELD: And what level of
23 effort should be gone to in order to do that?

24 MR. CARROLL: I'm sorry, to do what?

25 MR. WESTERFIELD: To relocate a building

1 rather than demolish it.

2 MR. CORBETT: I don't know.

3 MR. WESTERFIELD: You don't think, for
4 example, that someone should -- or the person who
5 owns the historic resource should investigate all
6 possibilities and go through best efforts in order
7 to relocate the building in a way that preserves
8 historical resources --

9 MR. CORBETT: Sure.

10 MR. WESTERFIELD: -- rather than
11 demolish it?

12 MR. CORBETT: Of course.

13 MR. WESTERFIELD: That's the kind of
14 thing I was getting at. So would you endorse
15 that?

16 MR. CORBETT: Yes.

17 MR. WESTERFIELD: I think you've
18 testified in your submitted testimony that the
19 buildings, compressor house and meter house,
20 retain only the integrity of location and
21 association.

22 And is it based on these factors alone
23 that they have sufficient integrity to be eligible
24 for the California Register historic resources?

25 MR. CORBETT: In discussing integrity I

1 think in each case the point I quoted to you a
2 minute ago, what I said about integrity of
3 materials, and we discussed earlier in relation to
4 another question, from different perspectives one
5 could look at the integrity of these buildings and
6 come up with different conclusions.

7 And one of those from the point of view
8 of the history of technology of these buildings,
9 they have lost integrity. And that's -- it's
10 gone. There's nothing can be done about that.

11 From the point of view of the
12 associations of these buildings to the history of
13 their purpose and the company and process they
14 were associated with, they retain integrity.

15 And in drawing the conclusions that I
16 did I drew, I suppose, somewhat on both of those
17 perspectives. And I think that the reason that
18 the buildings were initially determined to be, or
19 valuated as being significant, the perspective
20 used at that time was looking at the buildings,
21 and not at the technology.

22 And from that perspective I guess it
23 would not be appropriate to say they had lost
24 integrity of materials, design and workmanship.

25 MR. WESTERFIELD: Is that different from

1 the written testimony that you submitted as part
2 of attachment A?

3 MR. CORBETT: It's a more nuance
4 response, I guess. I don't know.

5 MR. WESTERFIELD: Okay. And when you
6 talked specifically about integrity of association
7 must it be with a site, or can it also be with a
8 process, such as the gas manufacturing process?

9 MR. CORBETT: In my experience it is
10 applied to a site, and I don't know if it could be
11 applied to a process or not.

12 MR. WESTERFIELD: Okay, so as far as you
13 know when you talk about the integrity of
14 association you're only talking about association
15 with a site. Okay.

16 So, how is it different from integrity
17 of location?

18 MR. CORBETT: That's one of the
19 questions that people that use these criteria ask
20 themselves from time to time.

21 HEARING OFFICER VALKOSKY: So is your
22 testimony that there is no firm difference between
23 integrity of association and integrity of
24 location?

25 MR. CORBETT: Let me read from bulletin

1 15. Bulletin 15 says location is the place where
2 the historic property was constructed or the place
3 where the historic event occurred.

4 Association is the direct link between
5 an important historical event or person and the
6 historic property.

7 A property retains association if it is
8 the place where the event or activity occurred,
9 and is sufficiently intact to convey that
10 relationship to an observer.

11 So, by definition it retains association
12 if it is the place where the activity occurred.

13 The definition isn't exactly the same as
14 location, but it depends on the same condition,
15 which is the location on that site.

16 MR. WESTERFIELD: Is that your best
17 explanation for defining the difference between
18 the two?

19 MR. CORBETT: Yes.

20 MR. WESTERFIELD: You advised on
21 mitigation, did you not, as part of your
22 testimony?

23 MR. CORBETT: On mitigation?

24 MR. WESTERFIELD: Yes.

25 MR. CORBETT: Yes.

1 MR. WESTERFIELD: And in evaluating
2 mitigation and recommending mitigation did you
3 consider leaving the meter house in place and just
4 relocating the compressor house?

5 MR. CORBETT: I don't think so.

6 MR. WESTERFIELD: That's all the
7 questions I have. Thank you very much.

8 HEARING OFFICER VALKOSKY: We'll go off
9 the record for a minute.

10 (Off the record.)

11 PRESIDING MEMBER PERNELL: Mr.
12 Westerfield, you mentioned a tank 4?

13 MR. WESTERFIELD: Yes.

14 PRESIDING MEMBER PERNELL: Can that be
15 identified on this map?

16 MR. WESTERFIELD: I think so.

17 HEARING OFFICER VALKOSKY: You were
18 referring to figure A-43-1B of the AFC?

19 MR. WESTERFIELD: Yes. I believe it's
20 the tank in the foreground, the large tank in the
21 foreground.

22 You notice several tanks in a line going
23 out to the Bay.

24 PRESIDING MEMBER PERNELL: Right.

25 HEARING OFFICER VALKOSKY: So that would

1 be --

2 PRESIDING MEMBER PERNELL: That's the
3 tank closest to the meter house?

4 MR. WESTERFIELD: Yes. And 3rd Street.

5 MR. CARROLL: No, that is not correct.
6 Tank 4 is the easternmost tank closest to the Bay.

7 MR. WESTERFIELD: That's not what we
8 understood.

9 HEARING OFFICER VALKOSKY: Okay, well,
10 why don't we clarify this --

11 PRESIDING MEMBER PERNELL: After the
12 break.

13 HEARING OFFICER VALKOSKY: Yeah, after
14 the break. I just have one question before we
15 break for lunch.

16 Mr. Corbett, you have been assessing
17 significance in terms of location, association,
18 all the factors in a rather narrow context, is
19 that true? To the use in a particular site given
20 an existing building's particular footprint, in
21 that way, is that true?

22 MR. CORBETT: Well, I've been -- those
23 things that you just mentioned, association,
24 location and so forth, those are not -- one is not
25 assessing significance in dealing with those, one

1 is assessing integrity.

2 And the integrity is always assessed in
3 relation to the historic property as it's defined.
4 And in this case what is defined is an historic
5 property, or what are defined are the meter house
6 and the compressor house.

7 HEARING OFFICER VALKOSKY: You also
8 mentioned, though, the meter house and compressor
9 house could be viewed as lacking integrity on a
10 technologically based historical theme --

11 MR. CORBETT: Right.

12 HEARING OFFICER VALKOSKY: -- while
13 retaining integrity based on a gas production
14 historical theme, is that correct?

15 MR. CORBETT: Oh, I didn't mean to --
16 well, association with a history of gas
17 production, --

18 HEARING OFFICER VALKOSKY: Right, yeah.

19 MR. CORBETT: -- so in other words a
20 historical association as opposed to a
21 technological association.

22 HEARING OFFICER VALKOSKY: Right. Now,
23 taking that one step further, as the City and
24 County seem to suggest, is it legitimate to assess
25 the significance, in your opinion, based on a

1 broader theme such as the industrial development
2 of a somewhat larger area?

3 MR. CORBETT: Well, it could be if a
4 larger area was identified as a significant
5 property, yes.

6 HEARING OFFICER VALKOSKY: Yes, okay.
7 Using -- but you could use that as a theme; it
8 would not necessarily have to be somewhat of, and
9 I'm using the term loosely, site specific theme?
10 It could be a more encompassing theme?

11 MR. CORBETT: I'm not real clear what
12 you're saying, but --

13 HEARING OFFICER VALKOSKY: Okay, well,
14 it appears to me one of the things, and you can
15 think about this over lunch, but you know, it all
16 depends on how you define the historical resource.

17 If you look at it in terms of
18 technology, your example, say, well, the machinery
19 is gone so it doesn't have a whole lot of value
20 from a technological perspective.

21 MR. CORBETT: Right.

22 HEARING OFFICER VALKOSKY: It does,
23 however, have value from a gas production
24 perspective.

25 MR. CORBETT: Right.

1 HEARING OFFICER VALKOSKY: Okay. That,
2 to me, is based on -- is fairly narrow, okay, what
3 you're just looking at there.

4 What I'm saying is can you base the
5 importance, the significance on somewhat of a
6 larger theme such as a remnant of a broad trend in
7 industrialization or something like that. That's
8 what I'm looking for, if --

9 MR. CORBETT: Yes, yes, I think that's
10 correct, yes.

11 HEARING OFFICER VALKOSKY: Okay. Thank
12 you.

13 Okay, --

14 PRESIDING MEMBER PERNELL: Are we off
15 the record?

16 HEARING OFFICER VALKOSKY: Not yet.
17 That's okay. I was just going to say,
18 acknowledging the practicality of finishing with
19 these witnesses. However, has to yield to the
20 practicality of other factors.

21 So, recess for lunch until 1:20, and
22 reconvene then. Thank you.

23 (Whereupon, at 12:50 p.m., the hearing
24 was adjourned, to reconvene at 1:20
25 p.m., this same day.)

1 AFTERNOON SESSION

2 1:30 p.m.

3 HEARING OFFICER VALKOSKY: I'll note for
4 the record that Mr. Ramo and Mr. Rostov have left.
5 They will return tomorrow.

6 Mr. Westerfield, you concluded your
7 cross-examination of Ms. Bradley and Mr. Corbett?

8 MR. WESTERFIELD: Yes, I have.

9 HEARING OFFICER VALKOSKY: Ms. Minor.

10 MS. MINOR: Thanks.

11 PRESIDING MEMBER PERNELL: Excuse me, I
12 have one question for Mr. Westerfield about the--

13 HEARING OFFICER VALKOSKY: Yeah, that
14 was, we asked you to clarify over the recess the
15 location of tank number 4.

16 PRESIDING MEMBER PERNELL: Right, right,
17 tank 4.

18 HEARING OFFICER VALKOSKY: We had gotten
19 two competing interpretations.

20 MR. CARROLL: And I stand corrected.
21 What I said prior to the break was not correct.
22 Mr. Westerfield is correct, tank number 4 is the
23 westernmost tank closest to the meter house and
24 compressor house. The tank in the middle is tank
25 number 5; and the tank closest to the Bay is tank

1 number 3. So I apologize for the confusion.

2 PRESIDING MEMBER PERNELL: So tank
3 number 4 is the smaller tank, right?

4 HEARING OFFICER VALKOSKY: I'm sorry,
5 Mr. Carroll, referring to tank number 4, and I'm
6 looking at a figure from the AFC, 8.3, are you
7 referring to the large tank in the foreground or
8 there's a real small one there right by it.

9 MR. CARROLL: I was looking at a
10 different diagram, so tank 4 is the large tank in
11 the foreground. So, yes, I see there's a smaller
12 tank there, and then there's sort of a rectangular
13 shaped building.

14 PRESIDING MEMBER PERNELL: Right, okay.

15 MR. CARROLL: I'm not referring to
16 those. It's the large tank 4. And then in that
17 photograph tank 5 is actually covered by, or
18 almost entirely covered by the meter house label.
19 And then tank 3 is the one that you see closest to
20 the Bay.

21 HEARING OFFICER VALKOSKY: Okay.

22 PRESIDING MEMBER PERNELL: All right, we
23 got it. Thank you.

24 HEARING OFFICER VALKOSKY: Mr.
25 Westerfield, that comports with your

1 understanding?

2 MR. WESTERFIELD: That's our
3 understanding.

4 HEARING OFFICER VALKOSKY: Okay. Thank
5 you. Ms. Minor.

6 MS. MINOR: Thank you. I think I'll
7 start with Mr. Corbett.

8 CROSS-EXAMINATION

9 BY MS. MINOR:

10 Q How are you?

11 MR. CORBETT: Okay.

12 MS. MINOR: I think we all needed that
13 break we had for lunch. I don't have a lot of
14 questions and will try to step through this pretty
15 quickly.

16 In your testimony, at least in appendix
17 R, you indicated that a windshield survey is the
18 usual first step in conducting an historical
19 evaluation of multiple buildings.

20 When you conducted the first windshield
21 survey with Ms. Bradley were you aware that the
22 southern waterfront study and the Dogpatch study
23 were also underway?

24 MR. CORBETT: Yes.

25 MS. MINOR: You were aware. In those

1 early stages undertaking the assignment from
2 Mirant, did you consult with the San Francisco
3 Port or the San Francisco Planning Department to
4 get a broader view of potential historic resources
5 in that area?

6 MS. BRADLEY: May I answer that because
7 I actually made the phone calls. Yes, we did. I
8 actually talked with Moses Corrette who I believe
9 was one of the key planning staff on the central
10 waterfront. And without looking at the dates of
11 my phone call that we did when we were preparing
12 this, and they were in the process of basically
13 doing the survey. They hadn't finished it. But
14 we did talk about what we were doing. And that it
15 included the area that they would also be
16 surveying.

17 MS. MINOR: Okay.

18 MS. BRADLEY: And I believe also during
19 that time that I talked with Mr. Ver Planck. He
20 probably, if I remember correctly, had finished
21 all of his work and was in the process of getting
22 ready to write the actual nomination or the
23 historic context for that.

24 MS. MINOR: Can you help me with timing?
25 Did you see at least a draft --

1 MS. BRADLEY: No.

2 MS. MINOR: -- of the Dogpatch study
3 prior to the time that you completed the study for
4 Mirant?

5 MS. BRADLEY: No, we did not.

6 MS. MINOR: Did you see a draft of the
7 southern waterfront study before you completed the
8 study for Mirant?

9 MS. BRADLEY: No, it was my
10 understanding that it hadn't been completed
11 because they were doing the survey at that time.

12 MS. MINOR: When you conducted, and I
13 think we're back to Mr. Corbett, when you
14 conducted the windshields survey, did you have
15 access to closed streets? Those would be streets
16 that you can only get access to with permission of
17 the Port or Mirant?

18 MR. CORBETT: We weren't aware that it
19 was an issue, so we didn't have access to any --

20 MS. MINOR: Doing the windshield survey
21 drive what was the view of station A that you saw?

22 MR. CORBETT: Just from, was it 25th
23 Street, from the street --

24 MS. BRADLEY: 23rd Street.

25 MR. CORBETT: -- from 23rd Street, okay.

1 MS. MINOR: So it was only the view from
2 the street?

3 MR. CORBETT: Correct.

4 MS. MINOR: At the time you undertook
5 the windshield survey had you seen Hill's work?

6 MR. CORBETT: I think so, yes. We must
7 have seen Ward Hill's work --

8 MS. BRADLEY: Yes, that happened prior
9 to what we did, yes.

10 MS. MINOR: Yeah, his work was done
11 almost five years before your work, but it wasn't
12 clear to me from the record that you had actually
13 seen his -- not five years, two years before.

14 MS. BRADLEY: Yes, I believe it was done
15 in 1999.

16 MS. MINOR: Right. And you had, in
17 fact, seen his work before you undertook the
18 survey?

19 MS. BRADLEY: Yes.

20 MS. MINOR: So you were aware of the
21 condition of station A, which you could not see
22 from the street, based upon the work he had done?

23 MS. BRADLEY: Yes.

24 MS. MINOR: After you completed the
25 windshield survey, can you help me understand what

1 were your next steps in beginning to establish
2 both your methodology and then subsequently coming
3 to the conclusions. What process, after you did
4 the windshield survey, what were the next couple
5 of steps that you did in order to start to develop
6 the methodology and then the evaluation?

7 MS. BRADLEY: After we did the
8 windshield survey one of the purposes was for
9 Michael to visually note buildings that appeared
10 to be within the age that we would need to
11 evaluate, which that would be 45 years. And to
12 identify parcels within the area that we needed to
13 evaluate. Both of those.

14 And then we had a staff member go to the
15 City and do research on getting information on the
16 parcels and getting information from, would it be
17 the building department, Michael -- to find out
18 what we could about all parcels within the area
19 that we were evaluating to try to determine when
20 they were built, what different types of
21 construction would have gone on on those
22 properties.

23 So that we could determine buildings,
24 not just based on Michael's what they looked like,
25 but get more accurate information when they were

1 actually built so we could determine the buildings
2 that we really needed to evaluate based on their
3 age.

4 And then from that, that's when we
5 identified the buildings within the area of
6 potential effect. And several of those buildings
7 had already been previously evaluated. And if
8 they had, we relied on that evaluation. We had no
9 reason to question it. It was done by the people
10 that meet professional standards and seemed to be
11 adequate.

12 And then we identified actually two
13 parcels within the APE that had not been
14 previously evaluated. And that's what's referred
15 to now as the sugar warehouses. And then we
16 proceeded to evaluate those.

17 MS. MINOR: Is it the professional
18 practice to rely on evaluations done by previous
19 architectural historians provided they meet
20 certain criteria?

21 MS. BRADLEY: Yes. What we would have
22 had to show, I believe, is that there was a
23 reason, some new information or something had
24 changed that would alter those evaluations.

25 MS. MINOR: Is it your view that -- can

1 the outcome be dictated by the scope of the
2 assignment?

3 In other words, if you have several
4 historical architects who are given an assignment,
5 but the scope of the assignment in each case is
6 different, is it possible that outcomes are
7 different?

8 MS. BRADLEY: I'll answer that and then
9 I'll give Michael a chance to answer it.

10 If what you're asking is are people
11 looking at different things, then I guess because
12 they're looking at different things, yes. If
13 different people are looking at the same things,
14 as we know, because we're here, people do have
15 different opinions.

16 So I guess the short answer is it could
17 happen, yes.

18 MS. MINOR: Can you -- what's your
19 understanding of the scope of Mr. Hill's
20 assignment?

21 MS. BRADLEY: Whenever Mr. Hill took his
22 assignment, Michael as said earlier today, the
23 process that we were addressing compliance issues
24 was the unreinforced masonry building. And the
25 applicant was going to be applying for a

1 demolition permit. And he was looking at those
2 buildings --

3 PRESIDING MEMBER PERNELL: Excuse me,
4 Mr. Hill's assignment? Who's Mr. Hill?

5 MS. MINOR: Would you like me to answer
6 that? He was an historical architect who was
7 retained to determine, I believe, as the witness
8 is testifying, whether or not historic structures
9 on the Potrero Power Plant site complied with San
10 Francisco's unreinforced masonry ordinance.

11 And his work is a part of the record.

12 PRESIDING MEMBER PERNELL: All right.

13 MR. CARROLL: That's correct, and for
14 further clarification, what I would say is that he
15 did some of the early work on behalf of Mirant.
16 And some of that early work is what Mr. Corbett
17 and Ms. Bradley relied upon when they completed
18 their analysis.

19 PRESIDING MEMBER PERNELL: And this was
20 done in 1999?

21 MR. CORBETT: Yes.

22 PRESIDING MEMBER PERNELL: Okay.

23 MS. MINOR: I believe his work is
24 appended as exhibit R-3 --

25 MR. CORBETT: R-2.

1 MS. MINOR: -- exhibit R-2 to -- there
2 is an appendix R called historic architectural
3 report on properties greater than 45 years of age
4 within the immediate vicinity of the Potrero Power
5 Plant Unit 7 project. And Mr. Hill's work is
6 attached as exhibit R2 to that document.

7 PRESIDING MEMBER PERNELL: Thank you.

8 MS. MINOR: And, Ms. Bradley, we've
9 covered Mr. Hill's assignment. Can you clarify
10 for us your assignment?

11 MS. BRADLEY: Yes. At some point
12 whenever this information, or basically the issue
13 of the buildings -- and I may have to ask Mr.
14 Carroll to help me on the overall project -- but
15 what I understand is at some point the issue of
16 the demolition of the buildings, the City Staff
17 determined that it would be more appropriate for
18 this information to be a part of the whole
19 project, rather than just focusing on the
20 demolition of the project's focus on that as a
21 part of the entire power plant project.

22 And that's when we were asked to look at
23 buildings within a larger area, because then it
24 was no longer just these buildings that were being
25 torn down, it was buildings that had the potential

1 to be affected or impacted by the power plant
2 construction.

3 MS. MINOR: And you were asked to look
4 at buildings within this larger area for what
5 purpose?

6 MS. BRADLEY: If they had the potential
7 to be impacted by the project. And the basis of
8 the area we looked at was that it was adjacent,
9 physically touching the project.

10 MS. MINOR: Did you also look at the
11 impact of the project, the unit 7 construction on
12 historic resources throughout the Potrero Point
13 area?

14 MS. BRADLEY: No, because what we were
15 asked to do and what we do is we look at things
16 within what's called an area of potential effect.
17 And the area of potential effect is basically the
18 limits of -- helps you define the limits of what
19 you're looking at.

20 And we determined or set those
21 boundaries in consultation with the CEC Staff,
22 Gary Reinoehl in particular. With the areas that
23 were touching that be sufficient or an appropriate
24 APE For this project. That's what we did.

25 MS. MINOR: I think, Mr. Corbett, this

1 is your report indicates that station A between
2 1901 and 1914 that station A was the largest steam
3 generating power plant west of the Rockies.

4 And that sometime around 1914 a plant in
5 Long Beach came online that was somewhat larger
6 than station A.

7 My question is whether you are aware if
8 any other steam generating power plant from that
9 same era of comparable size still exists west of
10 the Rockies.

11 MR. CORBETT: I don't know.

12 MS. MINOR: Do you know whether or not
13 the Long Beach plant still exists?

14 MR. CORBETT: No, I don't.

15 MS. MINOR: In assessing the
16 significance of station A, is that information as
17 an architectural historian that you would want to
18 know?

19 MR. CORBETT: Well, it would depend on
20 how you approached the question. That evaluation
21 was made in a report by Ward Hill and Larry Shoup.
22 It might be relevant; it might not.

23 MS. MINOR: Under what circumstances
24 would it be relevant?

25 MR. CORBETT: It might be relevant if

1 the question was -- if you were asking how rare
2 something was. If that was the basis for your
3 evaluation.

4 MS. MINOR: Is it your view that station
5 A is rare?

6 MR. CORBETT: Yes.

7 MS. MINOR: And under what set of
8 circumstances would it be irrelevant whether Long
9 Beach, the large steam generating plant in Long
10 Beach still existed?

11 MR. CORBETT: Well, if integrity was
12 sufficiently lost it would be irrelevant.

13 MS. MINOR: Are you aware of structures
14 or buildings, let's ask first in San Francisco,
15 where the original structure is substantially
16 gone, doesn't exist anymore, but the structure has
17 been deemed eligible for the California Register?

18 MR. CORBETT: The Palace of Fine Arts is
19 a sort of special case, but that might be one. I
20 can't think of anything else.

21 MS. MINOR: Any examples outside of San
22 Francisco?

23 MR. CORBETT: Where the structure is
24 substantially gone, but it is still eligible?

25 MS. MINOR: Is listed in the California

1 Register.

2 MR. CORBETT: I can't think of any
3 examples. I'm sure that there are some, but I
4 don't know what they are.

5 MR. CARROLL: Point of clarification,
6 was the question outside of California?

7 MS. MINOR: No, initially San Francisco;
8 and then the question was --

9 MR. CARROLL: Outside San Francisco?

10 MS. MINOR: -- in California. But you
11 are aware of some examples outside of California?

12 MR. CORBETT: I can't recall any
13 examples anywhere, but I do think that there must
14 be some because it's partly a function of
15 significance. A thing is sufficiently significant
16 even if there's just a fragment of it, it could be
17 significant. It could be eligible.

18 MS. MINOR: A couple of questions about
19 the meter house and compressor house. You found
20 that the meter house was eligible under California
21 criterion 1 but not criterion 3. Can you be more
22 specific about the factors that you took into
23 consideration in determining that the meter house
24 was not eligible under criterion 3?

25 MR. CORBETT: Well, that was an

1 evaluation made by Ward Hill and Larry Shoup.

2 And --

3 MS. MINOR: So, again, you accepted Mr.
4 Hill's evaluation of the meter house, the
5 compressor house and station A; you did not do an
6 independent reassessment of the work that they had
7 done?

8 MR. CORBETT: That's correct. The same
9 applies to Pier 70 and the -- yeah, Pier 70
10 historic district.

11 MS. MINOR: And actually I think that
12 the clarification is helpful. Now, relying upon
13 the work that they did and your own professional
14 judgment, what factors are you relying on to
15 support their conclusion that the meter house is
16 not eligible under criterion 3?

17 MR. CARROLL: I'm sorry, could you
18 repeat the question? Was the question what
19 factors did --

20 MS. MINOR: What factors did Mr. Corbett
21 rely upon in accepting Mr. Hill's conclusion that
22 the meter house was not eligible under criterion
23 3, which is architecture.

24 MR. CORBETT: I don't think he made a
25 detailed discussion of that. And we accepted it

1 because the two of them are competent professional
2 people. We've worked with them before. And their
3 conclusions were reasonable.

4 MS. MINOR: Did you have an opportunity
5 to review the testimony of witnesses for the City
6 and County of San Francisco?

7 MR. CORBETT: Yes.

8 MS. MINOR: In light of the different
9 conclusion reached by San Francisco's witness on
10 the question of the meter house eligibility under
11 criterion 3, do you believe that there is a basis
12 for further study, more information?

13 MR. CORBETT: I think it's reasonable to
14 make that evaluation.

15 MS. MINOR: Can you clarify that a
16 little bit more? Reasonable to make an evaluation
17 of?

18 MR. CORBETT: To say that it's
19 significant under criterion 3.

20 MS. MINOR: I have the same series of
21 questions to ask you about the compressor house,
22 so I'll try to go through this very quickly.

23 First question, what factors did you
24 consider in deciding that the compressor house is
25 not eligible under California criterion 3?

1 MR. CORBETT: We relied on the Hill
2 report.

3 MS. MINOR: And again you found his
4 conclusions to be reasonable?

5 MR. CORBETT: Reasonable.

6 MS. MINOR: Based upon additional
7 information from the testimony of San Francisco
8 witnesses, do you believe that there's a basis for
9 reconsideration of Mr. Hill's conclusion?

10 MR. CORBETT: Yes.

11 MS. MINOR: Do you have an opinion, a
12 professional opinion as to whether the meter house
13 and compressor house maintain their eligibility if
14 they are relocated separately? Was my question
15 clear?

16 MR. CORBETT: If they were both to be
17 relocated it's hard to imagine that they could be
18 relocated to separate places that were not
19 adjacent to each other and retain, it's just not
20 sensible that that could happen.

21 If it was a matter that one was going to
22 be demolished and one could be moved, then it
23 could be moved by itself.

24 MS. MINOR: If you could save one but
25 not the other, which one would you save? Sophie's

1 Choice.

2 (Laughter.)

3 MR. CORBETT: The meter house is more
4 appealing building.

5 MS. MINOR: Say more about that. It's
6 more appealing in what way?

7 MR. CORBETT: Well, it's older; it is --
8 you can grasp it better visually. You can see the
9 whole thing at a glance. The detail is more
10 interesting. It's more clear, the detail of the
11 meter house is directly connected to the structure
12 of the meter house, whereas the compressor house,
13 it's not. It's an applied decoration.

14 It's a matter of taste, but I like the
15 meter house.

16 HEARING OFFICER VALKOSKY: So that
17 means, then, in your opinion the meter house has
18 more historical significance?

19 MR. CORBETT: No.

20 HEARING OFFICER VALKOSKY: No? Okay.
21 The historical significance is similar for both
22 buildings?

23 MR. CORBETT: Yes.

24 HEARING OFFICER VALKOSKY: But the meter
25 house, given the choice that Ms. Minor proposed,

1 would be your preference in terms of keeping it,
2 if that were the choice, as opposed to the
3 compressor house, if you can only pick one?

4 MR. CORBETT: Well, yeah. I think
5 someone else might have a different take on it.

6 HEARING OFFICER VALKOSKY: Okay, and
7 that's based on subjective --

8 MR. CORBETT: Visual --

9 HEARING OFFICER VALKOSKY: -- appeal to
10 you?

11 MR. CORBETT: Subjective visual appeal.

12 HEARING OFFICER VALKOSKY: Okay, thank
13 you.

14 MS. MINOR: I don't want to put words in
15 your mouth, Mr. Corbett, but are you suggesting
16 that the meter house architecturally has more
17 appeal?

18 MR. CORBETT: Yes.

19 MS. MINOR: If there is a determination
20 that the meter house and compressor house are
21 eligible for the California Register under
22 criteria 1 and criteria 3, what impact does that
23 finding have on the mitigations that you would
24 propose?

25 MR. CORBETT: I don't think it has -- I

1 think I would have the same conclusions about
2 moving the buildings.

3 MS. MINOR: So you'd have the same
4 conclusions about moving the building. Would you
5 believe professionally that there should be
6 mitigations over and above those mitigations that
7 have already been proposed?

8 MR. CARROLL: Point of clarification.
9 Proposed by whom?

10 MS. MINOR: By Mirant.

11 MR. CORBETT: I'm sorry, what is the --

12 MS. MINOR: Do you want me to restate
13 the question?

14 MR. CARROLL: -- restate the question?

15 MS. MINOR: Okay. There are a series of
16 mitigations that Mirant proposes. And your
17 previous testimony was that these mitigations do
18 not reduce the significance of a loss, but they
19 are mitigations.

20 MR. CORBETT: Correct.

21 MS. MINOR: So my question is if, in
22 fact, there's a determination that the meter house
23 and compressor house are eligible under criterion
24 1 and 3, are there additional mitigations that you
25 believe should be proposed?

1 MR. CORBETT: I don't think so.

2 MS. MINOR: And so the determination of
3 architectural significance, in your view, does not
4 change the array of mitigations that should be
5 looked at?

6 MR. CORBETT: Correct. It could
7 theoretically, but I can't see what I -- any
8 other, anything else would apply.

9 MS. MINOR: Mr. Corbett, in your direct
10 testimony you indicated that in order to justify
11 the creation of an historic district two factors
12 had to be taken into consideration.

13 The first was that there had to be
14 historic significance. And secondly, the district
15 had to be shown to have integrity.

16 And, again, I don't want to misstate
17 your testimony, and so please correct me if I'm
18 wrong. As I understand your testimony you
19 testified that the City of San Francisco, in its
20 testimony, had established that there was historic
21 significance to the potential of Potrero Point
22 district that it proposed, is that correct?

23 MR. CORBETT: Yeah, established -- they
24 made a very persuasive case for --

25 MS. MINOR: Okay.

1 MR. CORBETT: -- there being
2 significance, yes.

3 MS. MINOR: But I believe your testimony
4 was that there had not been a showing of
5 integrity?

6 MR. CORBETT: Correct.

7 MS. MINOR: Would you please clarify
8 your testimony? You believe that the City did not
9 show that there was integrity. Based upon the
10 testimony that was submitted, do you believe that
11 there is integrity for such a proposed district?

12 MR. CORBETT: I don't know if there's
13 integrity or not. I think the only way to know is
14 to look at it in some detail in relation to the
15 seven aspects of integrity.

16 I suspect that there is not one because
17 of a loss of integrity. But I don't know that.

18 MS. MINOR: Quickly explain to us the
19 evaluation process for looking at the seven
20 aspects of integrity for purposes of determining
21 if an historic district exists. What would you
22 look at?

23 MR. CORBETT: Well, you would look in
24 relation to these definitions that we've referred
25 to, and I've quoted a couple of them in bulletin

1 15.

2 You would look at each of the seven
3 aspects of integrity and you would apply it to --
4 well, you would first have confirmed the district
5 boundaries that you're talking about. And you
6 would have confirmed a period of -- defined a
7 period of significance. And for that period of
8 significance within those boundaries you would ask
9 the question for each of the seven aspects of
10 integrity.

11 Does it have integrity of location,
12 design, setting, et cetera.

13 MS. MINOR: How many of the seven
14 aspects of integrity do you expect to see for a
15 district to be declared?

16 MR. CORBETT: Well, there isn't a fixed
17 number. It depends. Every circumstance is
18 somewhat different.

19 MS. MINOR: Based upon the testimony
20 filed by the City's witnesses and the boundaries
21 proposed, let's look at a couple of the aspects of
22 integrity. Location.

23 MR. CORBETT: Yes.

24 MS. MINOR: So you believe that the
25 proposed district does have integrity of location?

1 MR. CORBETT: Yes.

2 MS. MINOR: Okay.

3 MR. CORBETT: By definition, yes.

4 MS. MINOR: Setting?

5 MR. CORBETT: Yeah, probably. The
6 setting has changed somewhat, but --

7 MS. BRADLEY: Should you discuss
8 internal and external integ setting?

9 MR. CORBETT: Yeah. Setting, you can
10 look at setting in two ways. Externally what is
11 around the historic property. In this case, the
12 district. So, you know, the neighborhoods, the
13 development on the four sides of it. Are they as
14 they were during the period of significance.

15 And the other would be internally within
16 the district. What has been taken away; what has
17 been added; and does that change the setting.

18 And I guess maybe in responding a second
19 ago what I was thinking more was the external
20 settings, probably -- I don't know, it's not a
21 good way to answer these questions because you
22 really need to sit down and look at them. But I
23 don't -- externally, let's say for a moment the
24 external setting is the same. I would have more
25 questions about the internal setting. What was

1 within those boundaries during the period of
2 significance that's no longer there. And what may
3 have been added since the period of significance.

4 MS. MINOR: How about feeling and
5 association?

6 MR. CORBETT: Well, association is
7 there. And feeling, I don't know, feeling is the
8 one I have to re-read each time, because I never
9 know what it's -- feeling is a property's
10 expression of the aesthetic or historic sense of a
11 particular period of time.

12 There's certainly a lot of that that's
13 gone, whether or not how much integrity of feeling
14 it retains, I don't know.

15 MS. MINOR: In the case of -- I'm
16 looking at the definitions of feeling and
17 association, which is why I lumped them together
18 in my question, you did not hesitate in saying
19 that in terms of feeling, I believe, you said
20 yes --

21 MR. CORBETT: Association.

22 MS. MINOR: Association, you said, --

23 MR. CORBETT: Right.

24 MS. MINOR: -- an unequivocal yes.

25 You're hesitating a bit about feeling. Tell me

1 why those two are different from you as you look
2 at the definition, as it applies to this potential
3 Potrero --

4 MR. CORBETT: Well, association is kind
5 of like, you know, is this where the saint made
6 the miracle --

7 MS. MINOR: Um-hum.

8 MR. CORBETT: -- happened. It's the
9 holy kind of a sacred space or place where
10 whatever it is that you're recognizing occurred.
11 And this is just as it has integrity of location,
12 it is in its original place and it has that
13 association, that association is intact. The
14 association with the historic development of
15 Potrero Point is there.

16 Feeling, I can't answer this very well
17 because I don't know the history of the area very
18 well, but feeling is what I've seen in historic
19 photographs that convey a very different feeling
20 than exists there at the present. So I would look
21 very carefully at that to see if it retained
22 integrity of feeling.

23 HEARING OFFICER VALKOSKY: But isn't --
24 if I can interrupt for a second, isn't that true
25 for a lot of recognized landmarks? Fort Point,

1 okay.

2 Now, the location, as I understand it,
3 of a civil war fort is the same, is that correct?

4 MR. CORBETT: Yes.

5 HEARING OFFICER VALKOSKY: But now if
6 I'm getting your drift under association, since
7 it's now under the Golden Gate Bridge, that prior
8 association with that spot would have been
9 altered, is that true?

10 MR. CORBETT: No, I did not mean to
11 suggest that. Fort Point is still on the site
12 where it was built. And one would associate that
13 site with the significance of the place.

14 HEARING OFFICER VALKOSKY: Okay. That's
15 location. How about maybe feeling is the one I'm
16 looking at.

17 MR. CORBETT: Yeah, I think feeling --

18 HEARING OFFICER VALKOSKY: You say
19 feeling would be changed then --

20 MR. CORBETT: Right.

21 HEARING OFFICER VALKOSKY: -- in Fort
22 Point, --

23 MR. CORBETT: Right.

24 HEARING OFFICER VALKOSKY: -- example,
25 right? Because you've got the bridge over it.

1 MR. CORBETT: You've got a bridge over
2 it, yeah. I guess that it's changed.

3 MS. BRADLEY: But you still get the
4 sense, and again we're not here to defend Fort
5 Point, but you get a sense with Fort Point the
6 geography remains, the importance of that fort and
7 its location to guarding the Bay, the entrance to
8 San Francisco Bay. You could still, I think, get
9 the feeling of that even though the Golden Gate
10 Bridge is there.

11 MR. CORBETT: Well, for any property,
12 whether it has integrity of feeling or not, most
13 things have lost integrity of some, you know,
14 maybe several whole categories of integrity. And
15 certainly they've lost elements of integrity in
16 several of the categories.

17 So if Fort Point had lost integrity of
18 feeling, it wouldn't mean that Fort Point could
19 not be a significant place.

20 HEARING OFFICER VALKOSKY: Okay, yeah.
21 And that assessment of feeling is fundamentally
22 subjective, I mean for Ms. Bradley, her example,
23 the fact that the bridge is over it may not affect
24 or be contrary to her feeling. Whereas for you,
25 it's quite possible, is it not, that having the

1 bridge over the fort destroys that feeling that
2 you had? Or at least substantially alters it?

3 I'm just saying possible, I'm not saying
4 that it --

5 MR. CORBETT: Yeah, it's possible.

6 HEARING OFFICER VALKOSKY: Yeah, that's
7 what I meant.

8 MR. CORBETT: Right.

9 HEARING OFFICER VALKOSKY: So, the
10 answer is that it is a pretty subject
11 determination?

12 MR. CORBETT: There's certainly an
13 element of subjectivity. But I think that most
14 people familiar with this process of applying the
15 criteria to the same places would come up with --
16 not everyone, there is a subjective element and
17 there are differences of opinion.

18 HEARING OFFICER VALKOSKY: Okay. That's
19 fine.

20 MR. SMITH: Following up on that very
21 quickly, if, in the course of building the Golden
22 Gate Bridge, they had to move Fort Point 100 yards
23 east, maybe closer to Crissy Field but still the
24 general vicinity of its location, and certainly in
25 its historical value it's guarding the Bay, the

1 entrance to the Bay.

2 If they had to move it some short
3 distance in order to build the Golden Gate Bridge,
4 would Fort Point have lost its integrity?

5 MS. BRADLEY: I think that specifically
6 to Fort Point it was built in a particular time
7 where the technology that was available for how
8 far guns could go, various things, the reason it
9 was built there.

10 If you moved it, it might not still be
11 able to convey that period of time. And
12 specifically to Fort Point, if it moved down on
13 Crissy Field it would no longer be protecting the
14 entrance to the Bay.

15 MR. SMITH: Well, let's say it only
16 moved 100 yards or 50 yards east of the bridge,
17 just enough to clear out so they could build the
18 bridge. Has it lost its integrity?

19 MS. BRADLEY: I would have to review the
20 specifics of the case. I mean, it's possible it
21 would and it's possible it would not.

22 MR. CORBETT: It's not a science. It's
23 hard to --

24 HEARING OFFICER VALKOSKY: Continue, Ms.
25 Minor, sorry for the interruption.

1 MS. MINOR: The questions were helpful,
2 thank you.

3 Mr. Corbett, I'm going down this list of
4 seven aspects of integrity as it relates to the
5 Potrero Point historic district proposed in the
6 City's filed testimony.

7 And we've talked about location and
8 setting, feeling, association. And the three that
9 are remaining are design, materials, workmanship.

10 And we are looking at the definition of
11 integrity as set forth in bulletin 15 from the
12 National Park Service.

13 Would you like to comment, please, on
14 design, workmanship and materials as it relates to
15 the proposed Potrero Point district?

16 MR. CORBETT: For me to do that very
17 well I would have to know a lot more about the
18 history of the district than I do, of the area.

19 But, insofar as material, features
20 remain within the boundaries of that area. It
21 retains a fair amount of significance insofar as
22 materials are gone. And it has lost significance.

23 I'm just not familiar enough with the
24 history of it to know.

25 MS. MINOR: And your lack of familiarity

1 with the history is your response as it relates to
2 aspects, design, workmanship and materials?

3 MR. CORBETT: Design, materials and
4 workmanship, yes.

5 MS. MINOR: Okay. Your testimony
6 includes historical -- I don't want to call it
7 your testimony -- appendix R includes an
8 historical overview of the Potrero Point area.

9 Is that original research on your part?

10 MR. CORBETT: I'm sorry, appendix R. I
11 think that's drawn from Ward Hill's work.

12 MS. BRADLEY: No, it's not original
13 research.

14 MR. CORBETT: It's not.

15 MS. BRADLEY: On our part. Some of it
16 may have been original to Ward and some of it --

17 MS. MINOR: I'm sorry. Ms. Bradley, are
18 you going to testify? If you are, that's fine --

19 MS. BRADLEY: I'm sorry, I didn't
20 realize we had to make such a clear distinction.
21 I was just helping. Michael --

22 MS. MINOR: Okay.

23 MS. BRADLEY: -- asked me a question.

24 HEARING OFFICER VALKOSKY: Yeah, I think
25 it's more a distinction of having everyone hear

1 the answer.

2 MS. BRADLEY: Okay. Michael had turned
3 to me and asked was that Ward's writing. And I
4 said yes, a part of that was based on Ward Hill's
5 work. But, no, I do not think the majority of it
6 is original research or taken from primary
7 sources. That for the historic context he had
8 information that was specific to the buildings;
9 however, the context of the greater neighborhood
10 would be things that he would have taken from
11 existing sources.

12 MS. MINOR: So you did not do
13 independent primary research on the historical
14 significance of the Potrero Point area?

15 MS. BRADLEY: No.

16 MS. MINOR: And the relationships
17 between the various businesses, that was not
18 primary research that you did when you undertook
19 the study?

20 MS. BRADLEY: No.

21 MS. MINOR: And so you relied upon Mr.
22 Hill's work?

23 MS. BRADLEY: On Mr. Hill's work and
24 work that had been previously done by Carey and
25 Company and other people.

1 MS. MINOR: Mr. Corbett, before I leave
2 this line of questioning related to whether the
3 district proposed in the City's testimony meets
4 enough of the seven aspects of integrity, I just
5 want to go over your testimony. I don't want to
6 misstate any of it, so please clarify if I'm
7 wrong.

8 With respect to location you said yes.
9 With respect to setting, initially yes, and then
10 you clarified that there was both external setting
11 and internal setting. And you believe that with
12 respect to external setting during the period of
13 significance it was probably a clear yes.
14 Internal setting, you'd need more information?

15 MR. CORBETT: Well, I'm saying it was
16 probably a clear yes; externally, I wouldn't
17 normally sit and evaluate or assess integrity in a
18 situation like this. I would sit and I'd have
19 photographs and I'd have done a lot of research
20 and a lot of reading, and I would know a whole lot
21 more about it than I do right now.

22 So, just my most superficial sense is
23 that it may have integrity of setting externally.
24 But I wouldn't commit myself to that, nor would I
25 say that it's not the case. I just can't. I'm

1 kind of --

2 MS. MINOR: So you feel like you need
3 more information?

4 MR. CORBETT: I would need to have more
5 information.

6 MS. MINOR: Okay. Based on the
7 information you have today, do you believe you
8 should have assessed whether there was a broader
9 historic district as a part of the work that you
10 did?

11 MR. CORBETT: Based on the information
12 that the City's witnesses provided it looks like
13 there was a district there, but that was no
14 evident to us. And we weren't asked to address
15 that question.

16 So, I guess, yes, we should have done
17 it, but we didn't have the opportunity or the
18 awareness that was there.

19 MS. MINOR: Ms. Bradley, I'd like to try
20 to clarify for my edification and the record the
21 process by which an owner undertakes an evaluation
22 of property to determine whether or not that
23 property is eligible for registration.

24 What is the role of the State
25 Preservation Office in reviewing that assessment?

1 MS. BRADLEY: Are you talking about for
2 the California Register, the National Register?

3 MS. MINOR: I'm sorry, for the
4 California Register.

5 MS. BRADLEY: And are you talking about
6 something that's going to be evaluated, or
7 something that's going to be listed?

8 MS. MINOR: Let's start with evaluated.

9 MS. BRADLEY: And I'll be happy to be
10 corrected by Mr. Carroll, but my understanding is
11 that the State Historic Preservation Office would
12 not have a direct involvement on ordinary projects
13 that are being evaluated for the California
14 Register. That it's the local or the state agency
15 that is involved in the process.

16 If it was simply an owner of a property
17 within San Francisco, it would be San Francisco.
18 And the state is involved in that they have set
19 criteria and guidelines that should be followed in
20 evaluating the properties. In other words,
21 they've set the threshold. And they've also
22 identified the appropriate professionals that
23 should do this type of work.

24 And so that way they have set the
25 framework for the evaluation.

1 MS. MINOR: Once the evaluation has been
2 completed if someone or an entity disagrees with
3 the evaluation, what is that process?

4 MS. BRADLEY: Well, what I understand
5 that the person or the entity would need to do
6 would be to show a reason why the original
7 valuation should be changed.

8 Generally I think it's understood that
9 just because people have different opinions that
10 that's not a strong basis. However, if you bring
11 information that was not known or not presented,
12 or something physically happened to the property
13 since the initial evaluation that would actually
14 change what the initial evaluation had said, then
15 that would be a reason to relook at it.

16 MS. MINOR: I don't have any further
17 questions at this time, but may have some follow-
18 up questions after the other witnesses have
19 testified.

20 HEARING OFFICER VALKOSKY: Understood.

21 MS. MINOR: Thank you.

22 HEARING OFFICER VALKOSKY: Just for the
23 witnesses, do you accept the proposition that I've
24 seen in the testimony and on the AFC map, that at
25 least the City considers the Union Iron Works and

1 Pier 70 as an historic district? Is the answer
2 yes to that?

3 MR. CORBETT: The City does consider
4 it --

5 HEARING OFFICER VALKOSKY: Okay.

6 MR. CORBETT: To me, it's not -- I don't
7 believe, it's not a designated historic district -
8 - as the City --

9 MS. BRADLEY: My understanding it's not
10 officially listed, but that it's treated --

11 MR. CORBETT: Treated as such.

12 MS. BRADLEY: Yes.

13 HEARING OFFICER VALKOSKY: Okay, now,
14 what's the distinction between -- now, I assume
15 the distinction is that it's not listed on the
16 California Register of Historical Resources, okay,
17 is that correct? Okay.

18 Absent that, what is the distinction in
19 treatment between the City considering it an
20 historic district and something being eligible for
21 listing, which also is not officially listed?

22 MS. BRADLEY: I think one of the
23 distinctions, rather than the treatment, is the
24 level of information you might have.

25 Something that would be today listed by

1 the City of San Francisco as a local landmark
2 would be expected, I think, to have more
3 information in the evaluation than something that
4 was evaluated and not listed. And the same would
5 be with the state, not that there would be a
6 difference in treatment, but that a lot of times
7 generally I would say when something is listed you
8 just, you provide more information which can help
9 in the future to maybe address some questions that
10 may come up with, you know, integrity or
11 boundaries. There's just a higher threshold of
12 information that's usually expected.

13 HEARING OFFICER VALKOSKY: Okay, so to
14 your knowledge is there anything -- assuming the
15 additional information somehow created, is there
16 anything which would prevent the Union Iron Works
17 and Pier 70 district from being listed?

18 MS. BRADLEY: I don't think I have the
19 information to answer that because I don't know
20 enough about what Michael was previously saying.
21 He's probably a more important person to answer
22 this than me, since I'm not an architectural
23 historian.

24 But I wouldn't say that it wasn't, but
25 before you say listed, the information of

1 evaluating integrity, which I think the report
2 that we relied on didn't go to the extent that you
3 would do to list that.

4 HEARING OFFICER VALKOSKY: Okay, back up
5 one step from listed. Is there anything that
6 would prevent it from being characterized as
7 eligible for listing?

8 MS. BRADLEY: I don't think so.

9 MR. CARROLL: Just to be clear, we're
10 talking about the Pier 70 district.

11 HEARING OFFICER VALKOSKY: We're talking
12 about Pier 70, and the question is essentially
13 could that be --

14 MS. BRADLEY: Yes.

15 HEARING OFFICER VALKOSKY: Is there
16 anything which would prevent it from being
17 eligible for listing?

18 MR. CORBETT: Well, I think it's the
19 same as what you just said about it being listed.
20 That you'd have to go through the exercise of
21 applying the, you know, looking at the integrity
22 in relation to the seven aspects of integrity.

23 MS. BRADLEY: We did accept, though, the
24 information that had been previously done by Alice
25 Carey and Company in identifying the district in

1 the work that we did. So that was the -- in other
2 words, that was the safest thing to do, to say
3 yes, it is, does appear to be eligible as an
4 historic district. And so we treated it as such
5 in our work.

6 HEARING OFFICER VALKOSKY: Okay. And
7 when we started off on this, this morning, I
8 believe you said that there really is, insofar as
9 consideration of impacts and mitigation, no
10 effective difference between something that is
11 eligible and something that is listed on the
12 California Register of Historical Resources, is
13 that correct?

14 MS. BRADLEY: As far as I know, at a
15 state level, different local governments might
16 have different treatments. But I don't know that.

17 HEARING OFFICER VALKOSKY: Okay, so as
18 far as you know it would be the same
19 consideration. I think I used the word
20 protection, what I meant was consideration.

21 MS. BRADLEY: Under CEQA, yes.

22 HEARING OFFICER VALKOSKY: Okay. Well,
23 let's just, hypothetically, assume that Pier 70 is
24 eligible or a listed historical resource, okay.

25 Under this assumption would

1 rehabilitation of a building or buildings in that
2 district, such as San Francisco identifies
3 building 113, be adequate mitigation, in your
4 opinion, for removal of other structures within
5 the district, such as the meter house or the
6 compressor house, or both?

7 MS. BRADLEY: But the meter house and
8 the compressor house are not within that district
9 right now.

10 HEARING OFFICER VALKOSKY: Okay, well --

11 MS. BRADLEY: Maybe we were talking
12 about two different things when I answered your
13 question. I thought you were talking about Pier
14 70 as a historic district.

15 HEARING OFFICER VALKOSKY: I am talking
16 about Pier 70. And then I'm talking about
17 consider the whole area as evidence of an
18 industrial --

19 MS. BRADLEY: Okay, consider basically
20 what the City has proposed.

21 HEARING OFFICER VALKOSKY: Yes. So,
22 under that hypothetical, would removal of historic
23 buildings, such as the meter house and/or
24 compressor house, be adequately mitigated by the
25 rehabilitation of another building within that

1 district?

2 And I said building 113 because that's
3 the one that San Francisco identified.

4 MS. BRADLEY: I think that the thing
5 that we are still left with is that the two
6 buildings, the meter and the compressor house were
7 evaluated as individual structures.

8 And just being very very technical, very
9 narrow, I don't see how that would mitigate the
10 demolition of these buildings as individual
11 structures. I can see what you're saying that
12 that could be considered a mitigation maybe for
13 the historic district, as a property, if you were
14 considering the meter house and compressor house
15 as part of the historic district.

16 HEARING OFFICER VALKOSKY: And that --

17 MS. BRADLEY: That's the property.

18 HEARING OFFICER VALKOSKY: -- is what
19 I'm considering. So, that would be proper if you
20 viewed that, the totality. Essentially, and just
21 a shortcut, referring to figure 8.3 as most of
22 that as historic district, including Pier 70, at
23 least a portion of the power plant and the sugar
24 refinery.

25 MS. BRADLEY: I'm still left with the

1 fact that these two buildings are individually
2 eligible. And so a separate question would be
3 what then is the mitigation for those two
4 buildings as individually eligible.

5 HEARING OFFICER VALKOSKY: No. I'm
6 asking that if you have this overall historic
7 district, -- well, the analogy, I could use, I'm
8 not sure if it might be more confusing.

9 It's kind of like in biological
10 resources where you're building something here.
11 You displace 20 acres of habitat and you go, well,
12 okay, we can make up for that by putting 30 acres
13 of habitat, similar habitat somewhere else.

14 Essentially asking if there's a similar
15 type of process that occurs here, saying, no, we
16 have to destroy, we have to demolish these two
17 buildings, but we can mitigate that acceptably by
18 rehabilitating or whatever, another part of that
19 historic district.

20 MS. BRADLEY: Well, you look at historic
21 district as one property, and so what you would be
22 doing is saying is there some way within the
23 property of the historic district we can mitigate
24 the removal of this portion of the district.

25 HEARING OFFICER VALKOSKY: Right.

1 MS. BRADLEY: Yes. I mean that is done.

2 HEARING OFFICER VALKOSKY: Okay. So
3 there is nothing done, okay. And under that, if
4 you are talking about rehabilitation of a
5 building, and there are certain meaning that
6 rehabilitation as in the profession?

7 MS. BRADLEY: Yes. There are the
8 Secretary of Interior's standards which we have
9 referred to, which come out of the federal
10 process, but has also been used in the state
11 process.

12 And there's different types of ways to
13 treat a building. There's rehabilitation; there's
14 restoration; there's preservation. And these
15 terms have different ways you rebuild the
16 building, different ways you are allowed to modify
17 the building. And the Secretary's standards kind
18 of give you guidelines for rehabilitation, what
19 would that mean.

20 And generally that means that you're
21 retaining the building, but that you are maybe
22 going to be using it for something other than its
23 original use. And they provide you a series of
24 guidances to make decisions so that you can do
25 that and still retain the significance and

1 integrity of the property.

2 MR. SMITH: In the instances you refer
3 to that occur where there's historical mitigation,
4 you rehabilitate a structure in order to destroy
5 another structure, are there guidelines for how
6 that mitigation is quantified? How many buildings
7 is worth this building; or what value of
8 rehabilitation is worth demolishing that building?

9 MS. BRADLEY: Like everything else in
10 our process, there's nothing quantifiable. But
11 you certainly, what you would do is you would need
12 to look at the district, as a whole, and try to
13 balance the number, the use, the size, the
14 importance of what's being demolished in
15 relationship to the total property. And find a
16 mitigation that would be comparable to that.

17 I think, you know, to say that if you
18 tear down two buildings you got to rehabilitate
19 two, there's nothing prescribed that's that
20 quantifiable.

21 PRESIDING MEMBER PERNELL: Ms. Bradley,
22 am I to understand that, in your opinion, either
23 you or Mr. Corbett, that Pier 70, in your opinion,
24 is not necessarily an historic district, given the
25 fact there is, as I recall this morning some

1 discussion about whether or not Pier 70 was, at
2 least in your opinion, a historic district.

3 MR. CORBETT: Pier 70 has been evaluated
4 as an historic district, and we accept that.

5 PRESIDING MEMBER PERNELL: So you would
6 accept the fact that it's a historic district?

7 MR. CORBETT: Well, yes. But that
8 doesn't mean that it's actually been listed.

9 PRESIDING MEMBER PERNELL: I understand
10 that, but I'm just trying to get --

11 MR. CORBETT: Right.

12 PRESIDING MEMBER PERNELL: -- whether or
13 not we have an argument here of whether or not
14 it's a historic district.

15 MR. CORBETT: No.

16 MS. BRADLEY: Well, we relied on the
17 report that was prepared by Alice Carey and
18 Company a number of years ago. And I could tell
19 you the date if I looked.

20 And the information that they provided,
21 to the extent that they provided it, supported
22 their evaluation that Pier 70 was significant, and
23 that it had sufficient integrity.

24 I believe they looked at it primarily
25 under criterion C, which is historic architecture,

1 I'm not sure.

2 PRESIDING MEMBER PERNELL: All right.

3 Do you agree with that report?

4 MS. BRADLEY: I found no reason to
5 disagree with it.

6 PRESIDING MEMBER PERNELL: Just one
7 final question. I don't even think it's relevant
8 now, but absent the state's designation who has
9 jurisdiction over whether a district is historic
10 or not?

11 MS. BRADLEY: I believe in San Francisco
12 it would be the City.

13 PRESIDING MEMBER PERNELL: San Francisco
14 would have jurisdiction over this?

15 MS. BRADLEY: At the local level, yes.

16 PRESIDING MEMBER PERNELL: Okay.

17 HEARING OFFICER VALKOSKY: Redirect, Mr.
18 Carroll? I'm sorry, was there any more cross-
19 examination?

20 MR. BOSS: I just have a couple of
21 questions of Michael.

22 CROSS-EXAMINATION

23 BY MR. BOSS:

24 Q Your evaluations were, a lot of them
25 were based on Ward Hill's work, is that correct?

1 Did you read the it's called Potrero 7
2 phase 1 cultural resource by Worth and Associates?

3 MS. BRADLEY: Could you give me the date
4 on that?

5 MR. BOSS: March '79.

6 MS. BRADLEY: I think that was used in
7 preparing parts of the historic context. I did
8 not read that that I'm aware of. But I'm aware of
9 the name of that report.

10 MR. BOSS: In your testimony you
11 acknowledge that you're aware of the questions and
12 data requests 61 and 62, which refer to this
13 report, so I'm wondering whether or not you
14 actually did have a reliance on this report.

15 MR. CORBETT: I'm aware of the report,
16 but I haven't read it, not really.

17 MR. BOSS: Okay. So your conclusions,
18 although based on Ward Hill's work, which are
19 based on Worth and Associates' work, it seems
20 troubling to me. I don't know how to ask the
21 question. But, I have a hard time understanding
22 your conclusions if there was reliance on these,
23 but you're not familiar with them.

24 MR. CARROLL: Well, I think the response
25 to the question was there was reliance on the work

1 conducted by Ward Hill. That doesn't necessarily
2 mean that they independently reviewed all of the
3 resources on which Mr. Hill relied upon in
4 conducting his analysis.

5 MR. BOSS: I would have liked to have
6 seen that exception in the testimony then, as
7 opposed to in the testimony, and I'd have to dig
8 it up, where --

9 MR. CARROLL: You will have to dig it up
10 if you're going to talk about it, because I can't
11 respond if I don't know what you're talking about.

12 MR. BOSS: Okay.

13 PRESIDING MEMBER PERNELL: Whose
14 testimony are we talking about?

15 MR. BOSS: Michael Corbett's.

16 PRESIDING MEMBER PERNELL: Mr.
17 Corbett's.

18 MR. CARROLL: This is in his prepared
19 testimony?

20 MR. BOSS: I believe so.

21 HEARING OFFICER VALKOSKY: What were the
22 specific data responses referred to?

23 Sir, what were the specific --

24 MR. BOSS: It's on page 4 of Mr.
25 Corbett's testimony.

1 HEARING OFFICER VALKOSKY: Okay, are you
2 talking about data response 62 and 63?

3 MR. BOSS: Correct, 62 and 63. The
4 question was --

5 HEARING OFFICER VALKOSKY: Okay, that's
6 part of exhibit 7.

7 MR. CARROLL: Okay, let us get there.

8 (Pause.)

9 MR. CARROLL: I'm sorry, the question
10 relates to response to Dogpatch Neighborhood
11 Association data request sixty- --

12 MR. BOSS: Sixty-two.

13 MR. CARROLL: -- -two.

14 MR. BOSS: Sixty-two and 63.

15 (Pause.)

16 MR. CARROLL: Okay, and the question is?

17 MR. BOSS: The original question was did
18 Michael Corbett review the Worth and Associates'
19 1979 report?

20 MS. BRADLEY: The historic overview or
21 the test excavation?

22 MR. BOSS: His documents.

23 MS. BRADLEY: The overview and
24 inventory?

25 MR. BOSS: Correct. Working backwards,

1 you have testified that you relied on Ward Hill,
2 and you've testified, according to your response
3 in your testimony, that you relied on this, also.
4 Because you've worked on the preparation of the
5 response to a question which was directed at --
6 included in the information in the report.

7 MR. CARROLL: Actually that is not what
8 the response -- it says the very last sentence in
9 the response, there's an explanatory note on
10 background. The last sentence states that
11 therefore no reliance can be made on the Worth
12 report with regard to existing station A
13 buildings.

14 So I think the response was that the
15 witness did not rely on the Worth report in
16 responding to the data request.

17 MR. BOSS: Okay, but Ward Hill refers to
18 this report. I'm just, you know, I'm just a
19 layman trying to figure this out logically.

20 We have a pretty simple straightforward
21 situation where we have what I consider to be
22 rather provable large historic area that was
23 interconnected by ownership, by architecture, by
24 industrial uses, by the candy company being close
25 to a sugar factory and a sugar factory being there

1 and --

2 HEARING OFFICER VALKOSKY: Sir, sir, you
3 don't --

4 MR. BOSS: -- so forth. So, --

5 HEARING OFFICER VALKOSKY: Your
6 witnesses will get a chance to testify today.

7 MR. BOSS: Right, and I understand.
8 But, as I go through this, my question -- let me
9 get back to my original question.

10 You have not read this?

11 MR. CORBETT: Have not.

12 MR. BOSS: Okay, thank you. Have you
13 read the Dogpatch Neighborhood Association's -- or
14 the Dogpatch Neighborhood historical?

15 MR. CORBETT: Yes, I have.

16 MR. BOSS: Including the context
17 statement?

18 MR. CORBETT: Yes, I have.

19 MR. BOSS: Do you agree with it
20 substantially?

21 MR. CORBETT: I think it makes a very
22 strong case for a historic district.

23 MR. BOSS: Okay. Have you read the City
24 and County of San Francisco's central waterfront
25 historic district?

1 MR. CORBETT: Yes.

2 MR. BOSS: Have you read its context
3 statement?

4 MR. CORBETT: Yes.

5 MR. BOSS: Do you agree substantially
6 with its conclusions?

7 MR. CORBETT: Well, I think it also
8 makes a strong case for historic district.

9 MR. BOSS: Okay. If you had read those
10 prior to your preparation of your station A
11 analysis would it have changed in any way your
12 conclusions?

13 MR. CORBETT: Well, I didn't do the
14 station A analysis, but I assume that if those had
15 been available and they had been read before then
16 that it might have had a bearing on -- they might
17 have looked at historic district. I don't --

18 MR. BOSS: Those are my only questions,
19 thank you very much.

20 HEARING OFFICER VALKOSKY: Mr. Corbett,
21 could you just clarify, what are the boundaries of
22 the historic district that you were just referring
23 to?

24 MR. CORBETT: Oh, I thought he was
25 referring to the Potrero Point, the one that the

1 City's witnesses have identified, a potential
2 historic district for Potrero Point.

3 HEARING OFFICER VALKOSKY: Okay, and is
4 that --

5 MR. CORBETT: Those --

6 HEARING OFFICER VALKOSKY: What I want
7 to know is what you were answering.

8 MR. CORBETT: I was answering, I thought
9 that's what he was referring to, and that's what I
10 was --

11 HEARING OFFICER VALKOSKY: Okay. So you
12 were referring to the Potrero Point, potential
13 Potrero Point historic district as delineated in
14 testimony --

15 MR. CORBETT: Correct.

16 HEARING OFFICER VALKOSKY: -- from the
17 City?

18 MR. CORBETT: Correct.

19 HEARING OFFICER VALKOSKY: Okay. Thank
20 you.

21 MR. BOSS: Which report is that? Are we
22 talking about --

23 HEARING OFFICER VALKOSKY: That's in the
24 testimony that was submitted for this hearing.

25 MR. BOSS: Oh, okay. I was referring to

1 something else that I submitted, which was --

2 HEARING OFFICER VALKOSKY: That's what I
3 thought, yes.

4 MR. BOSS: -- a -- the City and County
5 Planning Department conducted a survey of the
6 central waterfront. It was in draft form; it was
7 completed six, eight months ago.

8 HEARING OFFICER VALKOSKY: Okay, and
9 that was --

10 MR. BOSS: This has a context statement.

11 HEARING OFFICER VALKOSKY: Okay, and
12 that report has a name, right?

13 MR. BOSS: Yes.

14 HEARING OFFICER VALKOSKY: Could you --

15 MR. BOSS: It's called the central
16 waterfront cultural resource survey.

17 HEARING OFFICER VALKOSKY: And its date
18 is?

19 MR. BOSS: October 2001, San Francisco
20 Planning Department.

21 HEARING OFFICER VALKOSKY: Okay. Mr.
22 Corbett, --

23 MR. CORBETT: Well, I'm not sure that
24 that document supports the Potrero Point historic
25 district. It supports the Pier 70 historic

1 district.

2 It provides information that could be
3 used in determining a Potrero Point historic
4 district, but I'm not sure that it identifies one.

5 HEARING OFFICER VALKOSKY: Right, and
6 when you said that you think there were good
7 arguments made to qualify a broader area --

8 MR. BOSS: Right.

9 HEARING OFFICER VALKOSKY: -- as a
10 historic district, you were referring to the
11 broader Potrero Point historic district as
12 described in the testimony --

13 MR. BOSS: By the City's witnesses.

14 HEARING OFFICER VALKOSKY: -- by the
15 City's witnesses --

16 MR. BOSS: Correct.

17 HEARING OFFICER VALKOSKY: -- for
18 today's hearings? Okay, I just want that
19 clarified.

20 MR. BOSS: Right.

21 HEARING OFFICER VALKOSKY: Thank you.

22 MR. BOSS: So you don't have a
23 conclusion on this document? Yes or no?

24 MR. CARROLL: A conclusion as to what?

25 MR. BOSS: I asked the question had he

1 read it. Have you read this?

2 MR. CORBETT: Yes, I have.

3 MR. BOSS: Okay. Have you read the
4 context statement?

5 MR. CORBETT: Yes.

6 MR. BOSS: Do you agree with its
7 conclusions substantially?

8 MR. CARROLL: Which -- you're going to
9 need to be more specific. Which particular
10 conclusions are you asking him if he agrees with?

11 MR. BOSS: I'll read it if we have that
12 much time.

13 HEARING OFFICER VALKOSKY: Could you
14 just summarize a couple of key points?

15 MR. BOSS: Conclusions. Central
16 waterfront area includes Dogpatch neighborhood is
17 a large geographic area of historic significance
18 of mixed use industrial and residential districts
19 from 1854 to 1948.

20 Dot, dot, dot, at a very minimum central
21 waterfront area's historic resources should be
22 given special consideration in planning issues and
23 rezoning and demolition of identified historic
24 buildings, structures and any objects within the
25 survey boundaries.

1 It basically -- the conclusion of the
2 context statement is that there's a large historic
3 industrial area.

4 MR. CARROLL: I disagree. The facts
5 that -- I'm sorry, the conclusion that you just
6 stated has not been demonstrated.

7 HEARING OFFICER VALKOSKY: Correct.
8 Just ask the witness on those two conclusory
9 points that you summarized if he agrees with them.

10 MR. BOSS: Do you agree that the central
11 waterfront is -- that you're in the middle of a
12 mixed use industrial historic district?

13 MR. CORBETT: I agree that it's a mixed
14 use historical industrial area. Whether or not it
15 meets the standards of the criteria of a historic
16 district, I'm not sure.

17 MR. BOSS: Okay. I'll let it go. Thank
18 you.

19 HEARING OFFICER VALKOSKY: Okay.
20 Redirect.

21 MR. CARROLL: I do have redirect but I'd
22 like to request a short recess before we do that,
23 five minutes if possible.

24 HEARING OFFICER VALKOSKY: Okay.

25 MR. CARROLL: Thank you.

1 (Brief recess.)

2 PRESIDING MEMBER PERNELL: Back on the
3 record.

4 HEARING OFFICER VALKOSKY: There is no
5 truth to the rumor we'll be doing the other topics
6 tonight, too.

7 (Laughter.)

8 HEARING OFFICER VALKOSKY: The
9 Committee's intention is to finish cultural
10 resources. Obviously that depends on some unknown
11 factors, but that is the intention.

12 With that, redirect, Mr. Carroll.

13 MR. CARROLL: Yes, thank you. I'm going
14 to conduct redirect of Mr. Corbett and Ms. Bradley
15 at the same time, so they'll answer back and forth
16 a little bit here.

17 REDIRECT EXAMINATION

18 BY MR. CARROLL:

19 Q I want to first focus, Mr. Corbett and
20 Ms. Bradley, on the meter house and the compressor
21 house as individual resources and sort of setting
22 aside for the moment all the discussion about
23 districts and looking back at the meter house and
24 compressor house as individual resources.

25 You both have testified in your prepared

1 testimony and in your live testimony today that
2 those two resources were identified by Ward Hill
3 in an analysis that you've since adopted as
4 individually eligible under criterion one, is that
5 correct, Mr. Corbett?

6 MR. CORBETT: Yes.

7 MR. CARROLL: Ms. Bradley, would you
8 agree with that?

9 MS. BRADLEY: Yes.

10 MR. CARROLL: There has been testimony
11 today -- sorry, strike that.

12 It's been suggested today that perhaps
13 buildings that have also been identified as
14 significant under criterion 3, and, Mr. Corbett,
15 you indicated earlier that you did not think that
16 was an unreasonable conclusion, is that correct?

17 MR. CORBETT: Correct.

18 MR. CARROLL: And I take it then that
19 this is one of those areas where reasonable
20 architectural historians might disagree over which
21 criterion or criteria a resource is eligible
22 under, is that correct?

23 MR. CORBETT: Yes.

24 MR. CARROLL: Ms. Bradley, would you
25 agree with that?

1 MS. BRADLEY: Yes.

2 MR. CARROLL: Now, moving from the first
3 step of identifying significance to the second
4 step of identifying integrity, Mr. Corbett, you
5 testified that both in your prepared testimony and
6 your oral testimony today that the primary aspects
7 of integrity retained by the compressor house and
8 the meter house were location and association, is
9 that correct?

10 MR. CORBETT: Yes.

11 MR. CARROLL: Does that necessarily mean
12 that they do not retain some level of integrity
13 with respect to the other factors?

14 MR. CORBETT: No, it doesn't.

15 MR. CARROLL: Ms. Bradley, do you agree
16 with the responses that Mr. Corbett gave to my
17 previous two questions?

18 MS. BRADLEY: Yes, I do.

19 MR. CARROLL: Mr. Corbett, you responded
20 to a series of questions from Ms. Minor of the
21 City that asked you to assume that the meter house
22 and the compressor house were eligible under both
23 criterion 1 and criterion 3, and I'd like you to
24 do the same. And, Ms. Bradley, I'd like you to
25 make that assumption, as well.

1 Was it your testimony that if you were
2 to assume that they were significant under
3 criterion 1 and criterion 3 that that would not
4 change your conclusions and recommendations as to
5 appropriate mitigation measures?

6 MR. CORBETT: That's correct.

7 MR. CARROLL: And, Ms. Bradley, would
8 you agree with that?

9 MS. BRADLEY: Yes, I'd agree.

10 MR. CARROLL: And would that change
11 either of your opinions as to whether or not
12 relocation of the building would -- of the
13 buildings, either building, would mitigate the
14 impacts on those buildings?

15 MR. CORBETT: No, it wouldn't change.

16 MR. CARROLL: Ms. Bradley?

17 MS. BRADLEY: That's correct, relocation
18 off the historic parcel would not mitigate it.

19 MR. CARROLL: So is it the case that,
20 let's make it a different assumption. Let's
21 assume that we have an historic resource that is
22 significant only under criterion 3.

23 Are there situations where it would
24 be -- strike that. Are there situations where it
25 would be inappropriate or are there situations in

1 which it would be possible that the resource would
2 lose its eligibility by being relocated even
3 though it was identified -- I'm sorry, even though
4 it was eligible only under criterion 3?

5 MR. CORBETT: Yes.

6 MR. CARROLL: So, in other words, it
7 doesn't always make sense to relocate a building
8 deemed eligible under criterion 3?

9 MR. CORBETT: That's correct.

10 MR. CARROLL: Mr. Corbett, you, in
11 response to a series of questions from Ms. Minor,
12 gave your impressions as to whether or not the
13 broader Potrero Point historic district, which has
14 been suggested by the City and County in their
15 testimony filed in this matter, retains integrity.

16 And she went through each of the
17 elements of integrity and you provided your
18 responses to her.

19 Is that the way that you would undertake
20 that second step in determining whether or not the
21 resource was eligible under normal circumstances?

22 MR. CORBETT: No. I would never do it
23 that way if I were engaged in a normal situation.
24 I would take time and have materials in front of
25 me to make those decisions.

1 MR. CARROLL: So if, at some point in
2 the future someone were to review the transcript
3 from this hearing and make a statement to the
4 effect that Mr. Corbett expressed his expert
5 opinion that this broader district retained
6 integrity of materials, would you agree with that
7 statement, as an example?

8 MR. CORBETT: No.

9 MR. CARROLL: Ms. Bradley, you indicated
10 in response to a question, I believe by Mr. Boss,
11 with respect to the research that was done to
12 support section 8.3, that in your opinion it did
13 not contain a great deal of independent primary
14 research.

15 Is it typical in your fields to rely on
16 existing primary research that's been done on
17 existing secondary resources?

18 MS. BRADLEY: Yes. I mean if the report
19 was prepared by someone who meets professional
20 qualifications and the methods that they describe
21 that they used are the ones that are agreed
22 professionally that we should use, and what they
23 write supports their findings, then, yes, we have
24 no reason not to use their work.

25 We don't go back and re-do it.

1 MR. CARROLL: And in this particular
2 case did you have any reason to doubt any of the
3 resources that you relied upon in completing your
4 analysis for this project?

5 MS. BRADLEY: No, they all seemed to
6 meet professional standards for identifying if
7 there were potential historic properties there.

8 MR. CARROLL: Mr. Corbett, in response
9 to a series of questions, and this was some time
10 ago in the day, from Mr. Pernell, there was some
11 discussion about use of the buildings and how the
12 use would impact. And I just want to clarify
13 because I think there's a bit of confusion.

14 Is it your testimony that movement of
15 the meter house and the compressor house off from
16 the historic gas manufacturing parcel makes them
17 ineligible for listing on the California Register?

18 MR. CORBETT: Yes.

19 MR. CARROLL: And is it your testimony
20 that retaining them in their current orientation,
21 in their current location would allow them to
22 continue to be eligible regardless of their use?

23 MR. CORBETT: If presumably any new use
24 would require some adaptation, and if that
25 adaptation was made using the Secretary of

1 Interior's standards, then the particular use of
2 the buildings wouldn't make any difference.

3 MR. CARROLL: Thank you. I want to move
4 now away from discussion on the individual
5 resources and talk about the numerous districts,
6 the proposed districts that have been discussed
7 today.

8 And just for the sake of clarity I want
9 to walk through each of the proposed districts
10 that's come up in our discussions today and ask
11 you a series of questions about those.

12 The first is Pier 70. There's been
13 discussion today about whether or not Pier 70
14 constitutes an historic district.

15 Mr. Corbett, is Pier 70 an officially
16 designated historic district?

17 MR. CORBETT: No.

18 MR. CARROLL: Has the analysis been
19 done, and by that I mean the determination of
20 significance and the determination of integrity,
21 that would allow one to conclude that there is an
22 eligible -- that that Pier 70 is an eligible
23 district, notwithstanding the fact that it hasn't
24 been officially determined to be so?

25 MR. CORBETT: I think so.

1 MR. CARROLL: Now, let's look at the
2 potential Dog Patch -- let me back up.

3 Ms. Bradley, do you agree with the
4 answers that Mr. Corbett just gave to my last two
5 questions?

6 MS. BRADLEY: Yes, I do.

7 MR. CARROLL: Moving now to the Dogpatch
8 district, has Dogpatch, Mr. Bradley, been
9 officially designated an historic district as far
10 as you know?

11 MR. CORBETT: I don't know, I don't
12 think it's been designated.

13 MR. CARROLL: Ms. Bradley, do you know
14 the answer to that question?

15 MS. BRADLEY: I don't know the answer to
16 the designation, no.

17 MR. CARROLL: Has the work been done in
18 terms of identifying the significance and
19 integrity to make Dogpatch eligible as an historic
20 district, in your opinion?

21 MR. CORBETT: Yes.

22 MR. CARROLL: Ms. Bradley?

23 MS. BRADLEY: Yes, I agree.

24 MR. CARROLL: Now, moving to what I'll
25 refer to as the Potrero Point district, and by

1 that I mean the very broad district that was
2 suggested may exist in testimony filed by the City
3 and County.

4 Mr. Bradley, has that district been
5 identified officially as an historic district?

6 MR. CORBETT: You're talking to me?

7 MR. CARROLL: Yes, I am.

8 MR. CORBETT: No.

9 MR. CARROLL: As far as you know, has
10 the work been done both to establish the
11 significance and the integrity of that very broad
12 district, such that we can say today that it's
13 eligible for listing as an historic district?

14 MR. CORBETT: No.

15 MR. CARROLL: Ms. Bradley, would you
16 agree with the answer to those last two questions?

17 MS. BRADLEY: I agree, yes.

18 MR. CARROLL: Mr. Bradley, you responded
19 to a series of questions from the Committee with
20 respect to when it would be appropriate to
21 mitigate the impacts to one building by
22 rehabilitating another building within the same
23 district.

24 In your opinion, would the demolition of
25 an individually eligible resource be mitigated

1 below a level of significance through
2 rehabilitation of another resource in an
3 identified historic district?

4 MS. BRADLEY: What you're asking --

5 MR. CARROLL: I'm not being clear. Let
6 me lay out the assumption first.

7 Let's assume that there is an historic
8 district. Let's further assume that there are a
9 series or a number of buildings located within
10 that historic district.

11 Let's assume that one of those
12 buildings, which is individually eligible for
13 listing, is to be demolished.

14 Would rehabilitation of another building
15 within that district mitigate the impact of
16 demolishing the individually eligible building
17 below a level of significance?

18 MS. BRADLEY: It's my understanding that
19 a building that's both eligible as a part of a
20 district and individually eligible, that you would
21 need to be able to mitigate both aspects if you
22 were tearing it down.

23 And it would seem to me that you might
24 be able to mitigate the contributing status to the
25 district, but that you would still be left with

1 how to mitigate demolishing a building that's
2 individually eligible. And that that would not be
3 answered.

4 MR. CARROLL: So let's make it more
5 concrete. The City, in their prepared testimony,
6 has proposed rehabilitation of building -- they
7 proposed two things. First, they had proposed
8 that there is a broader historic district which
9 includes, amongst other things, the compressor
10 house and the meter house and building 113 at Pier
11 70.

12 In your opinion, assuming that the
13 district existed, which we've established it
14 doesn't, but assuming that it did, would
15 rehabilitation of building 113 mitigate below a
16 level of significance the demolition of the meter
17 house and the compressor house?

18 MS. BRADLEY: The meter house and the
19 compressor house have been identified as
20 individually eligible. And the CEC has concurred
21 with what applicant's report said. I believe the
22 City supports that based on their testimony that
23 they think it's also eligible under criterion 3
24 individually.

25 So, I would think professionally that

1 you're still stuck with how to mitigate the
2 individual significance of these buildings
3 whenever they're demolished. And that a building
4 that's a part of a historic district, another
5 building might not do that.

6 MR. CARROLL: Mr. Corbett, do you agree
7 with that?

8 MR. CORBETT: Yes.

9 MR. CARROLL: Mr. Corbett, in response
10 to questions from Mr. Boss, or I should say there
11 were some questions from Mr. Boss regarding the
12 Dogpatch historic resources survey and the central
13 waterfront historic resources survey made by the
14 City Planning Department.

15 And some questions about whether or not
16 those documents established a district. And I
17 think unfortunately we were perhaps not all on the
18 same page in terms of what was meant by district.
19 So I want to clarify.

20 You're familiar with those two
21 documents, is that correct?

22 MR. CORBETT: Yes.

23 MR. CARROLL: In your opinion does the
24 Dogpatch survey satisfy the requirements of
25 eligibility for establishing an historic district

1 within the Dogpatch Neighborhood?

2 MR. CORBETT: Yes.

3 MR. CARROLL: And does the Dogpatch
4 survey satisfy the requirements for establishing a
5 broader district which would include all the
6 elements including Pier 70, the Potrero Power
7 Plant, all those elements that are described in
8 the City's Potrero Point historic district?

9 MR. CORBETT: No.

10 MR. CARROLL: And then with respect to
11 the central waterfront historic survey, in your
12 opinion does that document contain sufficient
13 information to establish that there is an eligible
14 Pier 70 historic district?

15 MR. CORBETT: I think so.

16 MR. CARROLL: And in your opinion does
17 that document contain sufficient information to
18 conclude that there is an eligible Potrero Point
19 historic district? By that I mean the much
20 broader district.

21 MR. CORBETT: No.

22 MR. CARROLL: Ms. Bradley, would you
23 agree with respect to the questions I just asked
24 Mr. Corbett about what districts may or may not be
25 established by the Dogpatch survey and the central

1 waterfront survey?

2 MS. BRADLEY: Yes. The purpose of the
3 Dogpatch survey was not to look at a broader
4 district, so of course it did not identify that.
5 And the City's -- they identify, yes, they
6 identify the context of historic industry, but,
7 no, they do not identify this Potrero Point
8 historic district.

9 MR. CARROLL: And there was some
10 discussion about the scope of the analysis that
11 was undertaken and whether or not the scope should
12 have been broader.

13 As a matter of fact in the analysis that
14 you conducted you did consider impacts on Pier 70
15 I'll use the term district with a lower d, Pier 70
16 area, is that correct?

17 MR. CORBETT: Yes.

18 MR. CARROLL: Ms. Bradley?

19 MS. BRADLEY: Yes, we did.

20 MR. CARROLL: And did you also analyze
21 impacts on the sugar warehouses to the south of
22 the project?

23 MR. CORBETT: Yes.

24 MS. BRADLEY: Correct.

25 MR. CARROLL: And did you analyze

1 impacts in any other areas surrounding the Potrero
2 Power Plant?

3 MS. BRADLEY: The only other buildings
4 that were identified other than the two groups
5 that you've mentioned, the Pier 70 buildings and
6 the sugar warehouse buildings, would be the ones
7 on station A. And, yes, we evaluated impacts to
8 those.

9 MR. CARROLL: I have no further
10 questions at this time, thank you.

11 HEARING OFFICER VALKOSKY: Mr.
12 Westerfield, redirect?

13 MR. WESTERFIELD: No questions.

14 HEARING OFFICER VALKOSKY: Ms. Minor.

15 MS. MINOR: Just one quick question for
16 Mr. Corbett or Ms. Bradley, whichever you believe
17 is appropriate.

18 RECROSS-EXAMINATION

19 BY MS. MINOR:

20 Q Based on the information that is
21 available to you today, do you believe that as a
22 part of your scope of assignment you should have
23 made an assessment as to whether a potential
24 historic district existed?

25 MR. CARROLL: I'm sorry, could you lay

1 out the premise of the question again?

2 MS. MINOR: Based upon the information
3 that is available to you today do you believe that
4 you should have made an assessment as to whether
5 there is a historic district that would include
6 some of the industrial sites on Potrero Point?

7 (Pause.)

8 PRESIDING MEMBER PERNELL: Anyone?

9 MS. BRADLEY: I'm just going to let
10 you -- architectural historian and I'll follow up.

11 Well, it's always hard to say what we
12 should have done. I would answer it by saying
13 that the information that the City has presented
14 has been done by people who meet professional
15 standards. And they have presented information
16 that seems persuasive.

17 I'm not sure, I mean if that information
18 had been available to us whenever we had been
19 doing this, would we have taken advantage of it,
20 yes, we would have. But it wasn't.

21 MR. CORBETT: Yeah, I think that's
22 correct. We didn't. There wasn't information
23 that we were aware of that indicated that there
24 was such a district.

25 MS. MINOR: Okay, thank you.

1 HEARING OFFICER VALKOSKY: If that
2 information had been available, and I realize I'm
3 indulging in compound speculation, what is the
4 likelihood that it would have changed your
5 conclusions?

6 MR. CORBETT: Well, we would have had --
7 we could have, if we were aware of what we know
8 now from the City's witnesses we would have been
9 aware of the significance of a district, which we
10 could then have evaluated for its integrity to
11 determine whether or not it was actually eligible
12 as a historic district.

13 MS. BRADLEY: We would still, also
14 though, have been left with the individual
15 eligibility of the two buildings that had been
16 evaluated by Mr. Hill.

17 HEARING OFFICER VALKOSKY: Okay, so that
18 had that one element would still have been
19 outstanding regardless?

20 MS. BRADLEY: Yes, I don't --

21 HEARING OFFICER VALKOSKY: The
22 individual significance --

23 MS. BRADLEY: Yes, I don't believe
24 anybody has presented any information that would
25 change that evaluation.

1 HEARING OFFICER VALKOSKY: Okay, thank
2 you.

3 Anything further for these witnesses?
4 Okay, you're excused, subject, of course, to
5 recall until we finish this topic. Thank you.

6 PRESIDING MEMBER PERNELL: Thank you,
7 both.

8 Your final witness, Mr. Carroll?

9 MR. CARROLL: Yes. Applicant calls Mr.
10 Mark Stone as our final witness in the area of
11 cultural resources.

12 Whereupon,

13 MARK STONE

14 was called as a witness herein, and after first
15 having been duly sworn, was examined and testified
16 as follows:

17 DIRECT EXAMINATION

18 BY MR. CARROLL:

19 Q Mr. Stone, could you please state your
20 full name, title and employer?

21 A My name is Mark Stone. I am General
22 Manager of Construction for Mirant Corporation.

23 Q And could you briefly summarize your
24 qualifications?

25 A I'm responsible for Mirant's

1 construction and capital improvement programs,
2 which include supervision and management of seven
3 regional project management directors with two to
4 three projects each.

5 I have a bachelor of science in civil
6 engineering from Tristate University; and a master
7 of science in industrial management with a
8 specialty in construction management from the
9 Georgia Institute of Technology.

10 Q And are you the same Mark Stone that
11 submitted prepared testimony in these proceedings,
12 and which is now a portion of what's been
13 identified as exhibit 28?

14 A Yes.

15 MR. CARROLL: Before proceeding with Mr.
16 Stone's testimony, I'd like to make several
17 typographical corrections to his previously filed
18 prepared testimony.

19 Attachment B, page A-1, there are three
20 citations that are missing. The first one, which
21 is on line 5, the first paragraph, should be
22 California Public Resources Code section 21084.1.

23 MR. WESTERFIELD: Would you repeat that,
24 please, Mike?

25 MR. CARROLL: Yeah. California Public

1 Resources Code 21084.1.

2 The second one, which is in the second-
3 to-the-last line of that same paragraph should be
4 Dames and Moore 1999.

5 And the third one which is in the second
6 paragraph, fourth line down, should be FSA page
7 4.3-17, and AFC page 8.3-24.

8 BY MR. CARROLL:

9 Q Mr. Stone, if I were to ask you the
10 questions contained in your prepared testimony
11 today under oath would your answers be the same as
12 they were in your prepared testimony with the
13 corrections that I made today?

14 A Yes. I will be presenting some
15 additional information on the meter house and
16 compressor house today. And there may be some
17 minor points to clarification with the
18 construction sequence. And we do need to confirm
19 that the seismic upgrades are required; in one
20 location they say they may be required.

21 Q Okay. So, with some minor
22 clarifications and corrections that you'll make
23 today, subject to those your answers would be the
24 same?

25 A Yes, sir, they are.

1 Q And am I correct there are also a number
2 of exhibits identified in your prepared testimony
3 that you're also sponsoring today?

4 A Yes, sir.

5 Q And could you please provide a brief
6 description of the analysis that you completed and
7 your conclusions?

8 A First we looked at the feasibility of
9 relocating the meter house and the compressor
10 house; concluded that there's not sufficient space
11 on the existing power plant to relocate the
12 buildings.

13 Secondly, we also concluded that it
14 would be impossible to relocate the meter house,
15 since the north wall also serves as a retaining
16 wall for Humboldt Street.

17 And the feasibility of moving the meter
18 house and compressor house offsite are
19 prohibitively expensive from a practical
20 standpoint.

21 MR. CARROLL: I've just distributed to
22 the parties in the room here and to the Committee
23 an aerial photograph of the project site with some
24 diagrams on it which we'll explain in a minute.

25 We'd like to have this marked as an

1 exhibit. This was not previously filed with Mr.
2 Stone's testimony, but we think it will aid in the
3 discussion today.

4 HEARING OFFICER VALKOSKY: Okay, we'll
5 identify as exhibit 46 the aerial view which Mr.
6 Carroll has just distributed. It is entitled
7 Potrero Unit 7 meter and compressor house
8 relocation.

9 BY MR. CARROLL:

10 Q Mr. Stone, based on your knowledge and
11 familiarity with the Potrero Power Plant, does
12 this aerial photograph, which has been marked as
13 exhibit 46, accurately depict the power plant as
14 it exists today?

15 A It does depict the permanent structures,
16 yes.

17 Q And looking at the photograph and the
18 landscape with the title down in the lower right-
19 hand corner, could you please explain to me what
20 the buildings are that are outlined in red, which
21 are just to the left of center of the aerial
22 photograph?

23 A Yes. The picture, the aerial photograph
24 is shown properly from a geographic sense in that
25 north is up and the Bay is to your right, or to

1 the east.

2 Humboldt Street is the street that runs
3 through the center of the site, and immediately
4 south of Humboldt Street circled there in red or
5 bordered in red are the meter house, which at this
6 time of the photograph has a white-looking roof to
7 it.

8 And then immediately south of the meter
9 house is the compressor building, the L-shaped
10 building within the red band.

11 Q And then moving to the east, or to our
12 right across the diagram, could you please explain
13 the area that's been outlined in orange? What
14 does that area represent?

15 A When we did the latest analysis it was
16 the only area large enough on the existing site
17 which would fit the two buildings in their same
18 orientation and relationship to one another in
19 there. Although it is very tight with the
20 existing structures.

21 Q And then moving just to the north of
22 there there is another red outline. Could you
23 please explain what that area represents?

24 A Yes. I have been asked if we were able
25 to remove fuel tank number 3 could the buildings

1 possibly fit into that space. And that represents
2 an attempt to do that, while again maintaining the
3 orientation and relationship between the two
4 buildings.

5 Q Okay, looking first at the area that is
6 outlined in orange, could you please explain the
7 constraints, as you see them, to relocating the
8 meter house and the compressor house to that
9 particular location?

10 A There are several concerns that we would
11 have in trying to relocate here. I think it's
12 fairly obvious from the picture there that if you
13 put those in there the doors to the warehouse,
14 which is the gray building immediately south of
15 Humboldt Street, the south side, the access doors
16 to that warehouse would be blocked.

17 Further, in the extreme southeast corner
18 of the proposed footprint you can see a small
19 building that would be taken out. It's not of
20 great significance to the maintenance people, and
21 something that we might be able to relocate. It's
22 only a minor shed.

23 However, you're right up against the
24 HVAC and air-moving unit for the sandblast and
25 paint facility. And that would be problematic for

1 us unless we were able to squeeze the amount of
2 space between the buildings.

3 In addition to that, it takes out our
4 material handling and storage yard, which is the
5 sort of shaded area there. The picture was taken
6 at a time when we were in operation and we are not
7 either constructing or performing an outage on the
8 number 3 unit. As well, it takes most of the
9 existing parking lot with it.

10 However, the real problem with this
11 location is that it is criss-crossed significantly
12 with numerous underground utilities and services,
13 some of which, frankly, we don't even know. The
14 records dating back to some of these utilities are
15 spotty, at best, and our experience and history in
16 the past has been that this remains a problematic
17 issue with construction at Potrero.

18 Therefore, we may have operational
19 impacts and other things from the utilities. It's
20 in a central area, as you can see. So many of
21 these services run east and west through this main
22 sector. And the impacts really are very difficult
23 to quantify.

24 Q Would you foresee having a building in
25 this location impacting your ability in the future

1 to do maintenance on both unit 3 and unit 7?

2 A I think from a pure maintenance
3 perspective it clearly would impact unit 3 --

4 Q Just to clarify, can you identify for us
5 where unit 3 is for those who may not know?

6 A Yes, I think that would be helpful.
7 Unit 3 is basically the large area on the southern
8 portion of the eastern boundary. There are some
9 water storage tanks down in the lower left-hand
10 corner of that footprint. You can see the stack.
11 The latticed white-looking is the boiler
12 structure. You also have the turbine shown
13 slightly in red out of the shadows. And the
14 electrical generators and transformers on the
15 north end.

16 There are also services that go across
17 an access road, and you can see some of the
18 services lined up there to the left or west.

19 Q I didn't mean to interrupt you when I
20 asked you to explain where unit 3 was you were
21 answering the question as to whether or not having
22 the meter house and the compressor house in this
23 location would impede your ability to maintain
24 units 3 and 7 in the future.

25 A Yes. Now, it would be further removed

1 from the newer unit 7, but it would be a hindrance
2 in our ability to stage and store materials,
3 provide contractor parking, office spaces. The
4 impact probably would be more pronounced on unit 3
5 than unit 7.

6 Q And moving now to the north, the red
7 area that's outlined on top of the storage tank.
8 Do you have a current ability to remove that
9 storage tank from the power plant site?

10 A It is my understanding that we do not.
11 The Independent System Operator has required that
12 the Potrero Unit 3 have dual fuel capability. It
13 runs on natural gas as often -- well, as a matter
14 of routine. But the Independent System Operator
15 and other regulators require dual fuel be used.
16 In the event of seismic event, this would be the
17 only power that would be available to the City of
18 San Francisco subsequent to a major seismic event.

19 Even at that it would probably take us
20 several days to try and establish the power plant
21 on fuel oil, so in the event of a severe seismic
22 event, even with those tanks there, you're
23 probably looking at a matter of weeks before the
24 power could be restored.

25 Q If you were able to obtain approval to

1 remove the fuel storage tank, in your opinion
2 would that be an acceptable location for the meter
3 house and the compressor house?

4 A It would not be a practical location for
5 them, no. I think we included the analysis of
6 laydown space. This is an area where I'm going to
7 have quite a bit of difficulty with trying to
8 construct the new unit, as is.

9 In addition, there are major, we would
10 know that there would be major interferences with
11 utilities. The primary power feed from unit 3
12 moves immediately south of the tanks on high
13 voltage transmission lines.

14 Admittedly they are very difficult to
15 see on this overhead photograph, but they are
16 there. They run on the north side of Humboldt
17 Street, and south of the tankage, and go to the
18 PG&E switchyard at the western extreme of Humboldt
19 Street as shown.

20 We would have to try and re-establish
21 the buildings underneath these high voltage
22 transmission lines.

23 In addition, we know that Humboldt
24 Street, per se, has numerous underground utilities
25 that run the length east and west of Humboldt

1 Street, including at least a 4 kV feed, which we
2 use to backfeed unit 3 from the PG&E switchyard.

3 Again, there are some other issues with
4 unknown utilities in the area. And their presence
5 would be problematic.

6 Q Does Mirant own any other property in
7 the vicinity of the Potrero Power Plant that would
8 provide a suitable location for the meter house
9 and the compressor house?

10 A No.

11 Q Could you briefly describe the physical
12 process that would be involved in relocating the
13 meter house and the compressor house?

14 A Let me try to do the meter house first.
15 It's probably a little -- we would remove what's
16 left of the existing roof trusses and perlins.
17 The primary roof has been removed. It was --
18 contained levels of asbestos that were considered
19 harmful, and was removed under separate authority
20 earlier.

21 We removed the window treatments, glass,
22 for that glass that's remaining; and doors. In my
23 description on attachment B it says that we would
24 cast a reinforced concrete backup wall on the
25 inside of the brick walls.

1 I think that's a bit deceptive. I think
2 it should be an unreinforced concrete wall. This
3 would be done by spraying gunnite to the interior
4 surfaces providing some stability to the brick
5 surfaces. But to try and reinforce that concrete
6 at this stage would most likely result in having
7 to tear that out again when you did your seismic
8 upgrades.

9 What was transcribed here was exactly
10 what the contractor had recommended. And he's not
11 a seismic upgrade expert. So the most efficient
12 way to do it at this stage would be merely to
13 spray concrete on the inside of the bricks.

14 We'd horizontally saw-cut the existing
15 concrete foundation. We would also saw-cut the
16 walls into manageable panels. This would also
17 include detaching the three sides from the north
18 retaining wall for Humboldt Street.

19 The brick walls would then be reinforced
20 with large steel beams to the outside creating
21 stability for the -- the structural stability for
22 the wall panels that had been cut.

23 We would -- okay now that's to get them
24 out of there in rough thing. Now, did you want me
25 to talk about reassembling them?

1 Q Please.

2 A Okay. We would have to furnish and
3 prepare a new site, either onsite or offsite,
4 depending on where that is.

5 Onsite, in addition to the problems with
6 the utilities, which we would have to straighten
7 out, most likely we would find toxic materials and
8 would have to do remediation to the extent
9 required by the construction.

10 We would, for seismic reasons, have to
11 drive piling to bedrock. Both the proposed
12 locations are off the bedrock layer on which they
13 currently rest. The length of the piles is yet to
14 be determined, because again a location cannot be
15 accurately predicted at this time.

16 Same problem with offsite. Depending
17 upon where we were offsite, for seismic reasons we
18 would have to drive piling, structural piling to
19 bedrock.

20 We would then cast a concrete foundation
21 on top of the piles with appropriate grid beams
22 and other structural features to handle seismic
23 loading. We would have to construct a new
24 reinforced concrete wall to replace the north
25 wall. And then we would, in effect, glue back

1 together again the three sides of brick panels.

2 We would come in most likely on the
3 inside then, put up formwork, install reinforcing
4 steel between the formwork and the brick. And
5 install a cast-in-place concrete wall that met
6 current California state seismic requirements.

7 We would, in all likelihood, have to
8 construct new roof trusses. The existing trusses
9 are not of sufficient size or strength to carry a
10 roof with a seismic load. It may be possible to
11 use parts of the existing trusses, but they would
12 have to be heavily modified and supplemented with
13 other structural members to hold up a roof.

14 And then we would have to put a new
15 roofing system on the perlins and roof truss
16 structures.

17 Q And could you just briefly explain, you
18 touched on it, the north wall of the meter house.
19 What is the issue with respect to the north wall
20 of the meter house?

21 A There is a large change in elevation
22 which is not greatly evident in this aerial
23 photograph, but from Humboldt Street at the
24 switchyard the surface of Humboldt Street rises
25 about 15 feet, 15 to 20 feet, up to a crown which

1 is roughly at the western edge of the main turbine
2 hall of station A, enveloped in the shadow on this
3 drawing.

4 And then begins to drop down in
5 elevation until you get down by the jet facilities
6 there at units 4, 5 and 6.

7 You can see a little bit on the drawing
8 where the retaining wall which comprised the
9 boiler portion of the station A, when it was a
10 structure, is kind of outlined in red. You can
11 almost see the retaining wall on the south side
12 there of Humboldt Street. And you can also see a
13 gray shaped retaining wall on the north edge of
14 Humboldt Street.

15 So, the north wall of the meter house is
16 the retaining wall for Humboldt Street in that
17 area.

18 MR. CARROLL: I apologize for
19 interrupting you, Mr. Stone, if I could draw
20 everyone's attention to the photographs that were
21 previously distributed and marked. I don't recall
22 the exhibit number, but they were distributed in
23 connection with Mr. Corbett's testimony.

24 HEARING OFFICER VALKOSKY: Exhibit 44.

25 MR. CARROLL: Exhibit 44, thank you. If

1 we turn to the second page, which is the first
2 page of photographs, and look at photo 3, which
3 shows a meter house view north-northwest.

4 BY MR. CARROLL:

5 Q Is that the retaining wall that we're
6 talking about there, what you just described? Is
7 that Humboldt Street up on top of that retaining
8 wall where the pipe shows?

9 A Right. You can see a handrail to keep
10 people who are walking or vehicles traveling on
11 Humboldt Street up there so that the road surface
12 at Humboldt Street is at the guard rail, which in
13 this picture appears to be about 10 or 12 feet
14 above the floor surface for the meter house.

15 Q And the north wall of the meter house
16 provides the retaining wall for Humboldt Street,
17 is that correct?

18 A It is one and the same. It serves two
19 purposes.

20 Q And what would the steps involved in
21 relocating the compressor house be? And feel free
22 to abbreviate them to the extent they overlap with
23 what you described with respect to the meter
24 house.

25 A I think that they're very similar and

1 the roof structure would probably be a little bit
2 easier than it would be for the meter house. The
3 roof, itself, probably is of sufficient age that
4 it would have to be replaced.

5 The brick paneling, actually the brick
6 would probably be a little bit easier for the
7 compressor house because it's newer. I have had
8 some disagreement among my construction people as
9 to whether or not the brick in the meter house
10 will survive a movement. The consensus is that it
11 will, but it is not particularly in real good
12 shape.

13 The compressor house brick is much
14 better. The compressor house would require many
15 more panels of brick to be sectioned because it's
16 a much larger structure.

17 Q Thank you.

18 MR. CARROLL: I've just distributed to
19 the parties and the Committee a two-page document
20 entitled conceptual cost estimate assessment for
21 relocating the meter house and the compressor
22 house Potrero Power Plant Unit 7. I would ask
23 that this be marked for identification as an
24 exhibit.

25 HEARING OFFICER VALKOSKY: Mark that as

1 exhibit 47.

2 MR. CARROLL: Thank you.

3 BY MR. CARROLL:

4 Q Mr. Stone, in your prepared testimony
5 you indicated that the cost of relocating the
6 buildings, and by that I mean the meter house and
7 the compressor house, was estimated to be between
8 \$4.5 million and \$5.3 million.

9 In its recently filed supplemental
10 testimony the CEC Staff requested additional
11 detail. Are you prepared to provide additional
12 detail today?

13 A Yes. I think that's the exhibit that
14 you just passed out.

15 Q And did you prepare this detailed cost
16 estimate?

17 A I had the contractor provide the basis.
18 I actually had two contractors, National
19 Constructors, who performed the brunt of this
20 estimate and Shaughnessy, which is a subsidiary of
21 Biggie Crane, who gave me some additional
22 information, although they were very general in
23 their report to me because of the number of
24 variables and unknowns. That dealt less with an
25 estimate and more on the concept of how they would

1 move the buildings.

2 So most of this estimate is from
3 National Constructors.

4 Q And having prepared this more detailed
5 analysis could you please explain to us what the
6 current estimate are, and not going line by line,
7 but hitting on some of the major elements of that
8 total estimate?

9 A Their estimate, which I have
10 supplemented with some things at the end here,
11 basically follows a little bit of the construction
12 sequence that we talked about. The site
13 preparation; what we need to do to remove the
14 building; how we would divided the building.

15 And it does not include a good number
16 for transportation offsite. I've included only
17 their onsite transportation number in this
18 estimate. And we'll look at the offsite
19 transportation later.

20 So, this transportation figure is only
21 for moving it a short distance, say to the
22 locations shown on our map.

23 Talks about the structural concrete; the
24 piling; other work. Refurbishment of the trusses.
25 I'm a little concerned here because again with him

1 being a contractor and not a seismic upgrade
2 expert, and not an engineer in that respect, I do
3 believe that he has underestimated the financial
4 requirements for seismic upgrade of buildings.

5 But, in general, again this is very
6 difficult. From the beginning everyone's wanted
7 to have a number out of me on how much this is,
8 and there's just so many variables and unknowns
9 with this you don't know where it's going. It is
10 very difficult.

11 But onsite and offsite what we have as a
12 base is about \$5 million. That could be a little
13 bit less, it could be a little bit more. Because
14 of the real difficulties with underground utility,
15 relocation on site, I have a range down at the
16 bottom on what we think that's going to cost.
17 Roughly about \$2 million on the bottom end and
18 maybe as high as \$4 million if we get into a lot
19 of utilities and a lot of toxic waste remediation
20 as a result thereof.

21 Also I found out later that the
22 contractor did not consider union labor. That's
23 probably impractical in San Francisco. It may be
24 that if I move it to an offsite location I may be
25 able to get reestablishment under a separate

1 contract that doesn't require union labor. But we
2 have an agreement for all of our work onsite that
3 it will be union.

4 And there's some other issues there with
5 contingency. In addition, there is a long list of
6 items there that have not been quantified from a
7 financial perspective and are not included in the
8 basis of this budget simply because I really can't
9 quantify them.

10 For instance, transportation offsite.
11 How many light poles and lines we would have to
12 relocate to move this offsite I can't really tell
13 unless we know where it's going.

14 With the Third Street Light Rail
15 relocation, having that large wide area to
16 transport the building is probably now gone,
17 because of the construction of Light Rail. So
18 we're going to have to chop the buildings into
19 smaller pieces. It's difficult from a practical
20 stance to try and quantify some of these issues.

21 Q Okay. So, to summarize your
22 explanation, what we have here, I'm looking at
23 page 2, is a cost estimate of about \$5 million
24 plus an additional 1.7 in contingencies for either
25 an onsite or an offsite relocation. And that

1 excludes a number of things listed at the bottom,
2 including obviously transportation. And this is
3 sort of a generic estimate without really knowing
4 where the buildings would be relocated to? Is
5 that a fair characterization?

6 A Yes, sir.

7 Q In your opinion, taking into
8 consideration the technical and economic
9 considerations that you've explained today in your
10 prepared testimony, is relocation of the meter
11 house and the compressor house capable of being
12 accomplished in a feasible and successful manner?

13 A No, not in a practical sense.

14 Q Thank you. Does that complete your
15 testimony today?

16 A Yes. I don't think I'm going to get off
17 that easy.

18 (Laughter.)

19 MR. CARROLL: Mr. Stone is now tendered
20 for cross-examination.

21 HEARING OFFICER VALKOSKY: Mr. Stone,
22 just so I understand this, you said that -- I'm
23 referring to the second page of your cost
24 estimate, exhibit 47 -- it would be roughly \$5
25 million plus an additional \$1.7 million, plus an

1 unknown amount?

2 MR. STONE: Yes, sir.

3 HEARING OFFICER VALKOSKY: Is that the -
4 - okay, so --

5 MR. STONE: Yes, sir.

6 HEARING OFFICER VALKOSKY: So under this
7 estimate we're looking at essentially a minimum of
8 6.7, which could go about \$2 million higher
9 according to your estimate?

10 MR. STONE: Yes, and please appreciate
11 that these are very difficult numbers to quantify.
12 It is possible that the numbers could go down
13 slightly.

14 HEARING OFFICER VALKOSKY: Understood.
15 I just wanted to clarify that.

16 Referring to exhibit 46, which is the
17 relocation photo, the aerial photo.

18 MR. STONE: Yes, sir.

19 HEARING OFFICER VALKOSKY: Are either of
20 the two areas indicated in red and orange outlines
21 for possible relocation -- were either of those
22 areas historically devoted to the production or
23 distribution of gas at the site?

24 MR. STONE: It is my understanding that
25 the orange area was clearly within the confines of

1 the sugar refining business. It is not clear to
2 me about the red outlined up where the fuel tank
3 is. I'd have to refer you to another historical
4 expert.

5 HEARING OFFICER VALKOSKY: Okay. Mr.
6 Carroll, if you have someone available to answer
7 that I would appreciate it.

8 MR. CARROLL: We don't today, but that
9 will be clearly identified in the document that
10 we've agreed to file before the end of the week
11 showing the historic parcels.

12 HEARING OFFICER VALKOSKY: Okay. That
13 will be fine.

14 Mr. Stone, you indicated, did you not,
15 that if you relocate the meter house you've got
16 certain structural support problems on Humboldt
17 Street, is that correct?

18 MR. STONE: Yes, sir, that's correct.

19 HEARING OFFICER VALKOSKY: What happens
20 if you demolish it? I mean what happens to -- if
21 you demolish the meter house what happens to
22 Humboldt Street then?

23 MR. STONE: I leave the north wall --

24 HEARING OFFICER VALKOSKY: Okay.

25 MR. STONE: -- in place as the retaining

1 wall. And, in fact, initial studies show that I'm
2 going to have to come in and beef that up, the
3 entire wall along there is going to cost about
4 \$1.5 million to properly protect Humboldt Street
5 in addition to what we have there in place from
6 the older structures.

7 HEARING OFFICER VALKOSKY: Okay. You
8 also indicated, or I believe you indicated in your
9 testimony that Mirant does not own any parcels in
10 the vicinity to which the projects could be
11 relocated, is that correct?

12 MR. STONE: Yes, sir. The extent of our
13 holdings are shown by the white border. And, in
14 fact, the switchyard and a portion of the
15 buildings and structures in the extreme northwest
16 corner have been retained by Pacific Gas and
17 Electric.

18 I do believe that there are a total of
19 six small parcels offshore that technically we
20 own, but they're in the warm water cove bay area,
21 so they wouldn't be practical for relocation of
22 the buildings.

23 HEARING OFFICER VALKOSKY: Okay.
24 Present ownership aside, have you made any
25 inquiries into whether suitable parcels may be

1 available for acquisition in the area?

2 MR. STONE: The only inquiry that has
3 been made through my office was the sugar
4 warehouse to the southeast; I would have loved to
5 have had for laydown and office areas and other
6 things. We discussed the possible sale of that
7 with the owner, and they were not interested at
8 all in talking to us.

9 HEARING OFFICER VALKOSKY: Okay, so
10 other than the sugar warehouse to the southeast,
11 you do not know whether or not additional parcels
12 may be --

13 MR. STONE: I'd have to refer to our
14 commercial people.

15 HEARING OFFICER VALKOSKY: Okay. Mr.
16 Carroll indicated on behalf of the applicant that
17 proposed condition of certification cultural-18
18 was acceptable. As I read it, that requires an
19 erection of a kiosk at some point presumably
20 offsite where it would have public access.

21 Have you made any inquiries into the
22 availability of land for the location of such a
23 kiosk?

24 MR. STONE: No, sir, I have not.

25 HEARING OFFICER VALKOSKY: Have you

1 examined whether there are any onsite adaptive
2 uses that applicant could use for the meter house
3 and the compressor house?

4 MR. STONE: Let me make sure that I
5 understand your question. If we were able to
6 relocate the two buildings to either of these
7 locations, could we utilize the buildings to our
8 advantage?

9 HEARING OFFICER VALKOSKY: Could you
10 utilize the buildings?

11 (Laughter.)

12 MR. STONE: Okay, fair enough.

13 HEARING OFFICER VALKOSKY: I don't want
14 to get into what's to whose advantage --

15 MR. STONE: Okay, fair enough.

16 (Laughter.)

17 MR. STONE: I'm sure that we could find
18 a useful purpose for them. Now, obviously we
19 pretty much have facilities to handle what we need
20 to do, save the new unit.

21 We could use them for office space; we
22 could use them for warehouse space. But I think
23 that you can see that prohibitively the expense of
24 that versus using existing facilities is
25 undesirable.

1 HEARING OFFICER VALKOSKY: Oh, I mean
2 the basic thrust of the question was were they
3 relocated they could be used as part of the plant
4 facility, as simple as that.

5 Okay, and again whether it's office
6 spaces or storage or garage, again that's beyond
7 the scope of my question.

8 PRESIDING MEMBER PERNELL: Mr. Stone,
9 good afternoon.

10 MR. STONE: Good afternoon.

11 PRESIDING MEMBER PERNELL: On your -- I
12 guess my first question is on your conception of
13 cost estimate, you have a -- was that done by a
14 structural moving contractor?

15 MR. STONE: Yes.

16 PRESIDING MEMBER PERNELL: And so
17 hypothetically if the move took place this
18 particular contractor would do it for what's on
19 this sheet?

20 MR. STONE: No, sir.

21 PRESIDING MEMBER PERNELL: Okay, let me
22 ask you another question. Typically you get more
23 than one bid for something like this. Is this the
24 only bid you have?

25 MR. STONE: No, sir. Well, is it the

1 only bid that I have? No, sir, this was not
2 formally bid. And I couldn't bid it because I
3 couldn't tell the contractors where the building
4 was going to go. I couldn't tell them if it was
5 onsite; I couldn't tell them if it was offsite. I
6 couldn't tell them where it was onsite or offsite.

7 And both of the people that I contacted,
8 Shaughnessy and National Constructors, would only
9 be responsible for part of the scope of work.
10 They would not do the pilings or foundations.
11 They would not relocate underground utilities.

12 They are a specialty contractor. There
13 aren't a whole lot of them in the country. The
14 good news was they said this is feasible, we think
15 we can do this. Both of them told me that.

16 But, again, understand that I've been
17 under a great deal of pressure to try and quantify
18 from a financial standpoint what this is. And,
19 you know, there's a lot of things I'd rather do
20 than put this up here. But in, you know, I had to
21 make a good faith effort at that, and this is the
22 best that I could come up with at this time.

23 PRESIDING MEMBER PERNELL: All right, I
24 understand. On the meter house, which is Mr.
25 Corbett's preference building, you indicated that

1 you would have to leave the north wall because it
2 helps support Humboldt Street.

3 And I guess I need to reserve this or
4 maybe get Mr. Corbett back up, but if you would
5 leave the north wall and maybe reinforce that, and
6 then move the structure somewhere, have you -- and
7 then the, I guess this is the Potrero Unit 7 meter
8 and compressor, this map here? The one that --

9 MR. STONE: Yes, sir.

10 PRESIDING MEMBER PERNELL: -- was passed
11 out?

12 MR. STONE: Um-hum.

13 PRESIDING MEMBER PERNELL: And there was
14 a white border around there. Is that the property
15 owned, Potrero property boundaries?

16 MR. STONE: Yes, sir, it is, with one
17 exception. This is what PG&E had originally.
18 They did not sell us a portion of the land that
19 you see bordered there. And that portion, if you
20 look at the western extremity, at the left edge of
21 your photo, you'll see a switchyard. And you see
22 the big circle where the old big gas tank used to
23 be down there in the corner? It's kind of hard to
24 see, but there's an alleyway that runs between the
25 switchyard and the circle.

1 And that extends up, there's a metal
2 building with a white roof. That alley then goes
3 up to Humboldt Street. Then the road curves to
4 the northeast and runs on a diagonal, okay.

5 The building at the corner of Humboldt
6 Street and the diagonal drive is a fire water pump
7 house. And we bought that building, as well as
8 the fire tank, the small tank, that's located
9 northeast of that.

10 The large rectangular building
11 immediately north of the little tank is not ours.
12 It stayed with Pacific Gas and Electric.

13 So, in looking at this picture you would
14 come up the alley by the circle to Humboldt
15 Street; and then run a line around the firehouse
16 and between the tank and the other building; and
17 then up to the corner where oil tank number 4
18 sits.

19 And the property to the east of that
20 line is ours. The property to the west of that
21 line would be PG&E's.

22 PRESIDING MEMBER PERNELL: Okay.
23 Speaking of the tanks, you indicated that the --
24 what I have is the number 3 tank here is for fuel
25 oil, and that would be the tank, the large tank to

1 your right on top of the drawing?

2 MR. STONE: That is -- my understanding
3 is that tanks number 3 and 4, which are the two
4 outboard tanks, are fuel oil for unit number 3.

5 The middle tank, the little tank number
6 5 supplies fuel to the jet engines, units 4, 5 and
7 6, which are in the center of the photo.

8 So the middle tank supplies fuel to the
9 jets. They're separate and only run 60 days a
10 year at most. The two outboard tanks supply fuel
11 oil to unit 3 in the event that the ISO requires
12 us to switch fuels.

13 PRESIDING MEMBER PERNELL: All right.
14 In your opinion, judging by this photo, is it
15 feasible to relocate the meter house and the
16 compressor house on the applicant or Mirant's
17 existing property?

18 MR. STONE: No, sir, it's not.

19 PRESIDING MEMBER PERNELL: Do you think
20 it's feasible to locate them anywhere else in the
21 perceived historic district, Pier 70?

22 MR. STONE: I'm not sufficiently
23 familiar with what the boundaries of the historic
24 district are; nor am I familiar with what
25 properties may be available for that.

1 PRESIDING MEMBER PERNELL: All right.

2 And then in terms of construction techniques,
3 these buildings, I understand, are very old. And
4 I don't know, I'd have to get Mr. Corbett up here
5 to tell me exactly how old they are, but would you
6 perceive a safety hazard to the workers moving
7 structure of this nature, of this age?

8 MR. STONE: There are two primary safety
9 and health concerns with the buildings. The first
10 was asbestos and lead paint. And before we could
11 send people into the buildings the first thing
12 that we had to do, once we bought them from PG&E,
13 was to abate the asbestos and the lead paint to
14 the best of our ability.

15 Lead paint --

16 PRESIDING MEMBER PERNELL: So that's
17 been done already?

18 MR. STONE: Yes, sir, it has been done.
19 We were required to do that, as I understand it,
20 by other regulation, and I can't quote that here.

21 But we were required before we could
22 send people in to evaluate, to look, or to move in
23 there, because you had these hazards; they had to
24 be abated.

25 Now, the lead paint, if the lead paint

1 was tightly adhering, it had to be left in place.
2 You couldn't get it off. And that may be a
3 concern, particularly with the age of the bricks
4 in the metering house.

5 If we go in to move it and it becomes
6 flaky and peels off, we may have a fugitive lead
7 paint problem. If we can move it with minimal
8 amount and cast that into the concrete seismic
9 wall from the inside, that would be a good way of
10 mitigating it. But there are some concerns there.

11 With regard to seismic concerns the City
12 of San Francisco wrote me a letter in July of 1999
13 which stated that these are clearly unreinforced
14 masonry buildings that would require seismic
15 upgrade. As a result we allow no one in those
16 buildings until their either demolished or brought
17 up to standard.

18 However, in the process of moving the
19 buildings, we feel that that can be done safely
20 through the dismantling process, and then when
21 they're reconstructed we would install the seismic
22 upgrades before regular use of the buildings could
23 be restored.

24 PRESIDING MEMBER PERNELL: You mentioned
25 lead paint in terms of moving the structures,

1 would the same scenario as this if you did a
2 demolition project with the structures?

3 MR. STONE: I will have to consult with
4 the demolition people. It is a concern. It's not
5 clear to me whether we would have to, if a brick
6 has tightly adhering lead paint to it, if we would
7 have to dispose of it in a manner consistent with
8 lead paint disposal, or whether by the fact that
9 it's crushed and gone through other processes.
10 That is something that we'd have to look into.

11 PRESIDING MEMBER PERNELL: Okay, and
12 finally, I saw in your worksheet here, I guess, or
13 your conceptual cost estimate, that there would be
14 some permits from the City of San Francisco?
15 There's a cost estimate for that?

16 MR. STONE: No, sir. I've never ceased
17 to get surprised by government permit
18 requirements.

19 PRESIDING MEMBER PERNELL: -- City and
20 County of San Francisco. This is in your --

21 MR. STONE: Right.

22 PRESIDING MEMBER PERNELL: -- page 2 at
23 the bottom.

24 MR. STONE: Page 2, right. I can't
25 quantify those at this point in time. I don't

1 know. What I'm saying is I don't have a number
2 assigned to that because I'm not sure I fully
3 understand what all I need.

4 PRESIDING MEMBER PERNELL: All right,
5 but in the normal course of business when you're
6 moving a structure this size, you need a permit
7 from some local entity?

8 MR. STONE: Absolutely. I need a permit
9 to demolish, as well. So I can't demolish without
10 a permit. So, yes, I will have some type of
11 permit no matter which course we pursue.

12 PRESIDING MEMBER PERNELL: And then my
13 final question, I think, is for Ms. Bradley or Mr.
14 Corbett. And I don't know that if I can ask this
15 now or --

16 HEARING OFFICER VALKOSKY: Go ahead and
17 ask.

18 PRESIDING MEMBER PERNELL: And that
19 would be -- my question is first of all, welcome
20 back.

21 (Laughter.)

22 MR. CORBETT: Thank you.

23 PRESIDING MEMBER PERNELL: What does it
24 do to the significance, historical significance of
25 the building if you, for example, for the meter

1 house, if you move three sections of a building
2 and leave one section, does that degrade the
3 integrity of the building historically?

4 MR. CORBETT: Yes, it does.

5 PRESIDING MEMBER PERNELL: Okay.

6 MR. CORBETT: The Secretary's Standards
7 would be applied as guidelines for or standards
8 for how the building would need to be treated in
9 the moving and reconstruction.

10 And there would be guidelines that would
11 provide for -- you could build another wall under
12 those guidelines --

13 PRESIDING MEMBER PERNELL: Right, but it
14 wouldn't be the same wall, it would be a new wall.

15 MR. CORBETT: That's right. It would be
16 a new wall and it would degrade the integrity of
17 the building.

18 PRESIDING MEMBER PERNELL: And so
19 theoretically one-fourth of the building would not
20 qualify for any historical importance?

21 MR. CORBETT: I am not -- I don't work
22 with the Secretary of the Interior's standards,
23 and so I can't speak with a lot of knowledge. But
24 I think that the building would be treated as a
25 whole building. And not --

1 PRESIDING MEMBER PERNELL: Okay, I'm not
2 trying to pin you down, just theoretically if you
3 had a building with four sides to it, and you
4 remove one side then theoretically one-fourth of
5 that building doesn't have the same historical
6 significance as the other three-fourths.

7 MR. CORBETT: That's right.

8 PRESIDING MEMBER PERNELL: I guess
9 that's what --

10 MS. BRADLEY: It's no longer a historic
11 fabric.

12 PRESIDING MEMBER PERNELL: It's no
13 longer a historic fabric.

14 MS. BRADLEY: Well, I just mean that
15 that wall --

16 PRESIDING MEMBER PERNELL: Oh, that one
17 wall --

18 MS. BRADLEY: It's just no longer
19 historic materials.

20 PRESIDING MEMBER PERNELL: One final
21 question deals with the compressor house. Given
22 Mr. Stone's explanation of how he intends to
23 safely move the compressor house by, if I
24 understand you right, Mr. Stone, pouring some
25 reinforced concrete on the inside of the building,

1 does that degrade the significance of the
2 historical significance of the building?

3 MR. CORBETT: In some cases it would. I
4 think in this case that, by itself, would not.
5 Because those interior walls are not, the interior
6 surfaces of the building, as they are, are not key
7 features that convey the significance of the
8 building.

9 And if that was necessary to move it and
10 for the seismic reinforcement, I think that would
11 be acceptable thing to do.

12 PRESIDING MEMBER PERNELL: Even though -
13 - also that the building would be not accepted in
14 a way in which, because it's so large, so it's
15 going to be cut up into smaller sections. That
16 wouldn't degrade the historical significance of
17 it, either?

18 MR. CORBETT: Well, that, in itself,
19 wouldn't necessarily, but depending on how it was
20 put together, how it was reassembled, materials,
21 the kinds of connections that were made, would
22 they be visible, would they introduce new
23 materials, all of that would be -- could
24 potentially degrade the integrity of the building.

25 PRESIDING MEMBER PERNELL: All right,

1 thank you.

2 MR. SMITH: You said a minute ago the
3 interior concrete reinforcement walls wouldn't
4 necessarily degrade them, so now you're saying
5 that if you reassemble the walls it might have
6 some brackets showing that weren't there before.
7 That would degrade the historical integrity?

8 MR. CORBETT: Well, I didn't mean just
9 that. That could be the case. But I also meant
10 that the -- depending on where, particularly the
11 compressor house, where there would be a number of
12 cuts when that was reassembled, those walls which
13 had previously been seamless historic walls, would
14 be walls with seams, I guess. I don't know what
15 it would look like. It would depend on how it was
16 handled.

17 Seems like it certainly potentially
18 could be a loss of integrity in that. If it was
19 handled according to the Secretary of the
20 Interior's standards, then it could retain its
21 integrity, even through the move.

22 And whether or not that could be done
23 with that process, I don't know.

24 MR. SMITH: In your opinion, given that
25 they might have to leave part of the original wall

1 along Humboldt Street, is relocating that building
2 to the sites up closer to unit 3 suitable
3 mitigation?

4 MR. CORBETT: If it met the Secretary of
5 the Interior's standards, it would be. I could be
6 suitable mitigation. I don't know if that could
7 be done or not, I just don't know. Don't have a
8 basis for knowing that.

9 MR. SMITH: And the Secretary of the
10 Interior's standards deal with how that wall, how
11 a new contemporary wall might be reconstructed --

12 MR. CORBETT: Yes, in --

13 MR. SMITH: -- to look like --

14 MR. CORBETT: Or not necessarily to look
15 like, because they may actually be intentionally
16 designed not to look like historic fabric, so that
17 there was no confusion about what was old and what
18 was new.

19 MR. SMITH: Okay. May I ask a question
20 about station A? Station A has been determined
21 not to be historical, of significance -- a
22 significant historical resource.

23 And could you explain why?

24 MR. CORBETT: The evaluation that was
25 done by Ward Hill stated that the building had

1 lost integrity because more than 50 percent of the
2 building, itself, had been removed.

3 MR. SMITH: So, having half of an
4 original building, which I believe in your
5 testimony this morning you said it was a rare
6 building in terms of its function as a steam
7 generating unit, and in its day.

8 So you have three-fourths of the -- you
9 have half of the building left. That renders it
10 insignificant, less than -- not a significant
11 historical resource?

12 MR. CORBETT: That was the evaluation
13 that Ward Hill made, yes.

14 MR. SMITH: So tearing it down doesn't
15 result in a significant impact?

16 MR. CORBETT: If it is not a significant
17 structure, it doesn't meet the criteria of a
18 significant structure, then tearing it down
19 doesn't matter.

20 MR. SMITH: Okay.

21 HEARING OFFICER VALKOSKY: Just to --
22 not really looking at another chance to -- but,
23 since you're here, --

24 (Laughter.)

25 HEARING OFFICER VALKOSKY: You said that

1 under your evaluation the meter house and the
2 compressor house each individually are eligible
3 for listing under the California Register of
4 historical places, correct?

5 You also said that Commission Staff also
6 concluded that they are eligible for listing, is
7 that correct?

8 MS. BRADLEY: They concurred with what
9 we presented may be the correct way to say it.

10 HEARING OFFICER VALKOSKY: Okay, they
11 concurred with what you presented.

12 What would have happened hypothetically
13 had they not concurred? What if they said we
14 don't think these are eligible?

15 MS. BRADLEY: My understanding is that
16 if they had done that, that they would have
17 provided a reason for that. They wouldn't have
18 just said no. They would have provided a reason.
19 And they are the agency that is making the
20 decision. And that would have been their
21 decision.

22 HEARING OFFICER VALKOSKY: Okay. Now,
23 please, Mr. Westerfield, bring this out with your
24 witnesses, but you characterized staff as making
25 the agency determination, is that your

1 understanding of the way the process works?

2 MS. BRADLEY: That's my understanding of
3 the way the process works, yes.

4 HEARING OFFICER VALKOSKY: Okay. What
5 would happen if it came to be that staff was not
6 the one that made that determination, but the
7 agency, itself, decided that these were not
8 historical, were not eligible for listing?

9 MS. BRADLEY: You're asking me something
10 that I truly don't know with regards to the --

11 HEARING OFFICER VALKOSKY: Well, that's
12 fair. I just want to clarify that you relied on
13 staff who's acting on behalf of the agency, that's
14 what you've testified to.

15 MS. BRADLEY: That's what I understood,
16 yes.

17 HEARING OFFICER VALKOSKY: Fine. That's
18 fine, thank you.

19 MR. SMITH: Well, let me ask you, Ms.
20 Bradley, you said it was your understanding of the
21 process that if staff concurred. So are you
22 basing that on some recitation from statute that
23 you've read? What is the basis of, when you say
24 it's your understanding, what's the basis of that?
25 What --

1 MS. BRADLEY: That the CEC --

2 MR. SMITH: That staff --

3 MS. BRADLEY: -- submitted a report
4 after we presented the AFC and what they said in
5 that report. I can't --

6 MR. CARROLL: Just to clarify, are you
7 referring to the final staff assessment?

8 MS. BRADLEY: Thank you, the final staff
9 assessment.

10 MR. CARROLL: That includes the cultural
11 resources section --

12 MS. BRADLEY: Yes, thank you.

13 MR. CARROLL: -- prepared by Mr.
14 Reinoehl?

15 MS. BRADLEY: Thank you, yes. It's the
16 final staff assessment. Reading that, what they
17 said with regards to what we said.

18 MR. SMITH: So is there -- I'm just
19 puzzled by the disconnect between your description
20 that an agency must concur, the agency must
21 determine, and yet the only part of the Energy
22 Commission that has concurred is staff. It has no
23 determinative function.

24 MS. BRADLEY: Well, that's something
25 that you're telling me that I didn't know. I

1 wasn't trying to rewrite the process. I was just
2 saying just what you pointed out, that the staff
3 assessment has come out and the staff assessment
4 didn't disagree with what we said. They supported
5 what we found.

6 MR. SMITH: If it indeed is the case
7 that it takes an act of the Commission, what's the
8 status of these buildings at this point?

9 MS. BRADLEY: Could you ask that
10 question in another way?

11 MR. SMITH: You said earlier in your
12 testimony today that being eligible affords these
13 buildings the same protection as being listed.

14 And if I recall correctly, being
15 eligible took concurrence of an agency, a state
16 agency?

17 MS. BRADLEY: Um-hum.

18 MR. SMITH: If, indeed, the staff cannot
19 make that determination and the Energy Commission
20 must make that determination, what then is the
21 status of these buildings?

22 MS. BRADLEY: I feel like I'm being
23 asked some issues that I may not be able to
24 answer.

25 HEARING OFFICER VALKOSKY: This is a

1 little arcane, and maybe we're falling into our
2 own language too much. What Mr. Smith is
3 referring to when he says the Commission, he means
4 the majority vote of the five Commissioners.

5 Under our process our Commissioners have
6 the option of accepting or rejecting something
7 that staff or any other party may say. And I
8 think that's what he's talking about, is the
9 determination by the majority of the members of
10 the Commission.

11 MS. BRADLEY: And that's a separate
12 process, I guess, than what I was talking about,
13 that professionals in the cultural resources field
14 who meet standards have made evaluations. And
15 those have been presented to you.

16 MR. CARROLL: if I could try to clarify
17 what I think we're saying here is the applicant's
18 experts have reached the opinion that these two
19 buildings are eligible for the California
20 Register.

21 The CEC Staff's experts, based on the
22 FSA, appear to concur in that conclusion.

23 That's simply two sets of experts, one
24 on behalf of the applicant, one on behalf of the
25 CEC Staff, who believe that these buildings are

1 eligible for listing. It doesn't mean that they
2 are therefore listed. It simply means that
3 they're eligible for listing, and therefore
4 afforded certain protections under CEQA. Those
5 protections being that the agency is obligated to
6 look at all the issues that we've been looking at
7 today.

8 But in terms of their status they're
9 just old buildings. I mean they have not been
10 listed on the California Register. We simply have
11 two sets of experts who have come to the
12 conclusion that they're eligible. There may be
13 other experts out there that would disagree with
14 that conclusion. And the Commission might
15 disagree with that conclusion.

16 But, neither our determination that
17 they're eligible, nor the staff's concurrence in
18 that determination means that they're
19 automatically on the California Register.

20 I don't know if that helps.

21 HEARING OFFICER VALKOSKY: No, I think
22 that's understood, Mr. Carroll.

23 MR. CARROLL: Okay.

24 HEARING OFFICER VALKOSKY: We're just --

25 MR. CARROLL: Sorry, I didn't mean to

1 restate the obvious, but --

2 HEARING OFFICER VALKOSKY: No, I thank
3 you for summing it up.

4 PRESIDING MEMBER PERNELL: Also, and I
5 don't think she needs defending here, Ms. Bradley,
6 who's very articulate in her profession, but she
7 doesn't know the Commission's protocol. And
8 that's understandable. So we're just trying to
9 lay that out to you.

10 But I wouldn't feel, you know,
11 embarrassed by not knowing that. A lot of people
12 don't.

13 HEARING OFFICER VALKOSKY: Mr.
14 Westerfield.

15 MR. WESTERFIELD: Thank you, Mr.
16 Valkosky.

17 Well, first off, staff appreciates very
18 much the presentation or the preparation of
19 exhibit 47, the itemized cost estimate. It was
20 something that we indicated in our prepared
21 testimony we did not have that we needed in order
22 to evaluate the cost of relocating these
23 buildings. So, thank you very much for preparing
24 that. I understand it has a lot of estimates and
25 it has a lot of assumptions.

1 One difficulty we have is since we have
2 just now seen it today for the first time, we
3 would like the opportunity to look at it in
4 greater detail and ask questions at a later date,
5 because obviously it has a lot of numbers in it.

6 It's very hard to assess them all on the
7 fly. Have time for our experts to look at it with
8 time. So we'd like to reserve the right to ask
9 questions about the detailed or itemized cost
10 estimates at a later date.

11 HEARING OFFICER VALKOSKY: Well,
12 normally, Mr. Westerfield, the Committee would not
13 want to continue a topic over, but since that
14 horse has been out of the barn since early this
15 morning, we'll just put that on the list here.
16 Items subject to be continued.

17 MR. WESTERFIELD: Thank you, Mr.
18 Valkosky.

19 HEARING OFFICER VALKOSKY: Mr. Carroll,
20 you would have no difficulty recalling Mr. Stone
21 upon request from staff or another party in the
22 future?

23 MR. CARROLL: No, that would be fine.
24 Mr. Stone will be back here as a witness on the
25 topic of facility design.

1 HEARING OFFICER VALKOSKY: Okay.

2 MR. CARROLL: That might be an
3 appropriate time.

4 MR. WESTERFIELD: Perfect.

5 HEARING OFFICER VALKOSKY: Okay, thank
6 you. Okay, continue. Do you have anything else?

7 CROSS-EXAMINATION

8 BY MR. WESTERFIELD:

9 Q Mr. Stone, yes, sir, also I appreciate
10 your patience in waiting around all day till your
11 turn. I know how difficult that can be.

12 I'd like to turn to your testimony on
13 page 2, lines 2 and 3. I think where you state
14 that in section 8.3 you participated in preparing
15 an explanation, I guess that's the way you say it,
16 that avoidance or alteration of the proposed
17 project to avoid demolition of these two
18 structures is not possible.

19 Can you tell me what you did in order to
20 reach that conclusion?

21 MR. STONE: Let me preface it, I guess,
22 a little bit by my struggles, being an engineer,
23 with impossible, feasible, practical, impractical.

24 Apparently feasible has some legal
25 definitions here, so I may make some statements

1 before I became enlightened on all of this, as to
2 what's impossible and what's feasible and what
3 isn't.

4 And I guess the basis of my opinions
5 here is my opinion of what's practical. And that
6 may be subject, as were the historical resource
7 experts, subject to differing opinions from my
8 structural and construction counterparts.

9 Q Okay. And I think it's quite clear you
10 testified that you don't think it's practical to
11 move these buildings, and I think I understand
12 that very clearly.

13 But as far as being not possible, is it
14 still your testimony that it's not possible,
15 meaning it's impossible to move these buildings?

16 MR. STONE: With enough time and enough
17 money we could probably do most all of the aspects
18 here. I think obviously the most problematic
19 issue would be the north wall of the meter house.

20 I won't say that it's impossible. There
21 are a number of utilities under Humboldt Street;
22 many of them very aged. And we may or may not
23 take the existing Potrero Unit 3 offline to
24 relocate those utilities.

25 Some of the underground structures date

1 back to 1902 and 1903. The records on them are
2 very spotty. To try and save the north wall of
3 the meter house, to me, would be probably the most
4 challenging of all the aspects, and closest to
5 what I would call impossible.

6 Q Okay, thank you. Now you're Mirant's
7 General Manager of Construction. And I presume by
8 that that you have some familiarity, maybe a great
9 deal of familiarity, with the Potrero 7 project.

10 A That's correct.

11 Q And where it will be located at your
12 site here in San Francisco.

13 A Yes, in a previous life prior to this
14 spring, I was the Project Management Director for
15 the Western Region for Mirant. So, Potrero, the
16 plant at Contra Costa and a couple in the Pacific
17 Northwest were my responsibility.

18 Upon return from an assignment in the
19 Philippines in March of 1999, it was shortly
20 thereafter on April 1st that we acquired the
21 facilities of Pittsburg, Contra Costa and Potrero
22 from the Pacific Gas and Electric Company. And
23 one of my immediate assignments was to begin
24 preparation for permanent application. So I was
25 very heavily involved in the early days

1 particularly with issues of layout and the like.

2 Q April 1st, a very auspicious day.

3 A No fooling.

4 (Laughter.)

5 BY MR. WESTERFIELD:

6 Q Now, can you tell me, based on this
7 familiarity, does the footprint of the new unit 7
8 facility include the meter house?

9 A Yes, it does. We have committed to give
10 you a clarification of that, but the new gas
11 turbine train will sit about 30 to 40 feet south
12 of the new retaining wall.

13 Q All right.

14 A I have to have an alleyway there for
15 maintenance so that I can pick the gas turbine,
16 literally pick the gas turbine with a mobile crane
17 for servicing during the maintenance intervals.
18 It's impossible to get to from the south side
19 because of the design that General Electric has,
20 in that the PEC and other appurtenances are on the
21 south side.

22 I won't be able to get it from the east
23 due to a pipe -- I'm going to have to pick it from
24 the northwest. And I've got just enough room
25 designed in there to get a crane and a flatbed

1 truck in to service that.

2 So, my gas turbine will sit literally
3 the wall, 40 feet off of that wall.

4 Q Okay, so your guess is about 40 feet
5 from that retaining wall on Humboldt Street --

6 A Actually according to this I've cut it
7 to 30 feet.

8 Q Um-hum.

9 A So, --

10 Q It's cutting close.

11 A This site is challenging from a
12 reconstruction standpoint.

13 Q All right. Again, your testimony is
14 that you prepared this information explaining that
15 avoidance or alteration of the project, avoid
16 demolition of the two structures is not possible.

17 As part of coming to that conclusion,
18 did you analyze any design alternatives for the
19 new project that would avoid placing the footprint
20 of unit 7 where the meter house is located?

21 A We described in responses to inquiries
22 from the intervenors that we have looked at three
23 alternatives that didn't involve -- well, three
24 alternatives -- the three alternatives were a no-
25 project alternative. The site alternative; in

1 other words looking at other sites other than
2 locating the plant at the Potrero facility. And a
3 transmission alternative.

4 Now, since then actually from day one up
5 until today the actual footprint of the new unit
6 is frankly fluid. It is dynamic. I have moved it
7 all around and depending upon cooling alternatives
8 we may have to move it further.

9 In no scenario have I been able to put
10 together anything that makes sense to me.
11 Essentially unit 7 must go west of the existing
12 units 4, 5 and 6. To try and shoe-horn it in some
13 manner east of 6, with the underground utilities,
14 hazardous waste remediation and structural
15 considerations that, you know, I've fallen off of
16 bedrock there. I'm down into the fill. I've got
17 issues with piling and other things.

18 The best place for unit 7 is to the east
19 of units 4, 5 and 6. It's undesirable in the
20 once-through cooling scenario because I have long
21 runs of piping to and from the water. I'd like to
22 get the unit much closer. But, it hasn't proven
23 to be practical.

24 The issues surrounding the other cooling
25 alternatives also become problematic. And then I

1 have switchyard connections with PG&E to consider.

2 I mean I can go on with variables for a long time.

3 Q I'm sure there are plenty of engineering
4 details that you're painfully aware of. Have you
5 considered the alternative of avoiding the impact
6 on the meter house by moving unit 7 slightly to
7 the south?

8 A We have. And that is where currently I
9 told you we were 30 feet off the north wall. Our
10 current thinking, you know, if you remember
11 historically we had a facade around here with a
12 building that had an interior crane that serviced
13 the gas turbines and the steam turbine generator.

14 We look at rotating the steam turbine,
15 once the facade was removed, 90 degrees so that
16 now the steam turbine currently sits in an east/
17 west direction, the centerline, parallel to the
18 two gas turbines.

19 We have also increased the distances
20 between the stacks slightly. And this was due to
21 the fact that what we found was that we couldn't
22 maintain the current arrangement, the steam
23 turbine and generator, without putting cranes in
24 the middle of 23rd Street.

25 So, in order to keep our maintenance

1 activities onsite, we had to put about a 75-foot
2 distance between the southern fenceline and the
3 steam turbine generator. We were able to do that
4 by rotating it.

5 So I really, you know, I've done, I
6 think, the best thing that I can by rotating that
7 steam turbine generator 90 degrees and putting it
8 parallel with the gas turbine trains. And I'm
9 still, you know, in order to maintain it, I can't
10 pull it further south.

11 Q Okay. As part of your testimony did you
12 analyze the possibility of just moving the
13 compressor house and not the meter house?

14 A Not extensively. I was given the basic
15 rule that the two buildings were, in effect, one.
16 And that they needed to maintain the same spatial
17 relationship to one another and the same
18 orientation with relation to north and south.

19 Having said that, you can always
20 consider one by itself. Actually, from a
21 practical standpoint, the meter house would
22 probably be, if forced to, a more practical
23 building to use. It's easily converted to office
24 space or storage.

25 The odd shape of the compressor building

1 and the fact that it's a two-and-a-half-story
2 structure limits what you can really do with it,
3 particularly when you consider that you have all
4 these facilities existing and now you're given,
5 you know, this bonus prize of, you know, figure
6 out something to do with it.

7 Q So I take it you did not analyze the
8 possibility of just moving the compressor house
9 and not the meter house?

10 A If you move just the compressor house I
11 don't think that the analysis is any different.
12 It's just that you have a little bit smaller
13 footprint in the two locations that we talked
14 about for the center and the fuel tank.

15 Q All right.

16 A I haven't been able to identify anyplace
17 on that existing thing where a single building
18 would fit where the two buildings wouldn't.

19 Q I think now you testified on page 2,
20 lines 3 and 4, that the buildings present seismic
21 hazards to site personnel who operate and maintain
22 the existing power plant.

23 And that, let's see, yes, I think that's
24 all I wanted to remind you of.

25 Now, do any of these personnel work in

1 the buildings?

2 A Okay, let me slow down here. I'm just
3 catching up. I'm sorry.

4 Q Sure. I'm catching up, too.

5 A I'm on page 2 of my testimony, right?

6 Q Yes.

7 A And I'm talking about the -- okay, and
8 your question was? I'm sorry.

9 Q Do any of your personnel work inside the
10 buildings?

11 A No. No one works inside the buildings.
12 Now, I have sent people into the buildings for
13 engineering surveys germane to these works and
14 studies. I've sent, as we described earlier,
15 workers into remediate asbestos and lead paint.
16 And that has been the limit.

17 By law we're not allowed to have people
18 in the buildings. We have had a great deal of
19 trouble, particularly with station A building,
20 with vagrants breaking into the buildings and
21 stealing building materials until there was
22 nothing else to steal. But they still go in,
23 light fires, spray paint the walls, those kinds of
24 things.

25 Q Sure. What wall are you referring to

1 that makes it illegal for people to go inside
2 those buildings?

3 A We have the City and County of San
4 Francisco, the appropriate ordinance for
5 unreinforced masonry buildings. And then it's
6 somewhere in here, a letter from Mr. Chui, I think
7 it was, to me of -- that they met that standard.

8 Okay, I'm referring to my response data
9 request, that's 79 --

10 MR. CARROLL: Responses to CBE data
11 requests.

12 MR. STONE: -- CBE data request, and Mr.
13 Chui's letter to me dated the 17th of November
14 1999. He says pursuant to the retroactive
15 provisions of chapter 1, section 102.20 of San
16 Francisco building code, the power person or agent
17 in control of the building where such hazards,
18 parapet or appendage shall submit to the
19 Department of Building, inspection, acceptable
20 plan or procedure for elimination of the hazardous
21 conditions.

22 As a result of our submission to Mr.
23 Chui, we committed to him that we would not put
24 personnel in the building, other than, you know,
25 to do this remedial work or studies or the like.

1 That was part of our commitment to him in meeting
2 that ordinance or whatever you call it.

3 BY MR. WESTERFIELD:

4 Q Um-hum. So are you talking about this
5 remedial work or studies when you say that the
6 buildings present seismic hazards to site
7 personnel who operate and maintain the existing
8 power plant?

9 A If we went on without demolishing the
10 buildings, we left them in place and let's pretend
11 that there isn't a unit 7 at all, because of the
12 size particularly of station A, it's theoretically
13 possible that in a seismic event collapse of the
14 eastern wall of station A could injure our
15 operators operating units 4, 5 and 6, or
16 performing work in those areas.

17 So it's our understanding that they
18 either have to be seismically reinforced and
19 stabilized or demolished in the long term.

20 Q Okay, but I'm thinking in terms of the
21 meter house and compressor house. It is your
22 testimony that those buildings present seismic
23 hazards to site personnel who operate and maintain
24 the existing power plant?

25 A I don't think that they're a significant

1 hazard. Theoretically they could have operators
2 out there. Again, it's difficult for me to
3 speculate on what operations. We do have a tin
4 building that sits immediately to the west of the
5 meter house. If the meter house wall collapsed
6 and there were people in that building, again, I
7 think that's pretty far-fetched, but, you know,
8 I'm only speculating at this point.

9 Q Okay. Do you know if either of these
10 buildings, the compressor house or meter house,
11 sustained any damage in the Loma Prieta earthquake
12 of 1989?

13 A No, sir, I do not.

14 Q Do you know if any study has been done
15 by Mirant to determine if the buildings sustained
16 any damage in that seismic event?

17 A I can assure you that Mirant has not
18 conducted any study.

19 Q And do you know if PG&E did?

20 A No, sir, I don't.

21 Q All right. And do you know if PG&E has
22 reported any information on whether they sustained
23 any damage in that earthquake to Mirant?

24 A They did not report any to Mirant to the
25 best of my knowledge.

1 Q I believe you stated an opinion, I hope
2 this is right, in attachment B, on page 1 of your
3 testimony, that the cost of upgrading the meter
4 house and the compressor house to meet seismic
5 standards was prohibitive.

6 A Okay, I'm sorry, where am I now?

7 Q Attachment B to your testimony.

8 A Attachment B?

9 Q B as in boy.

10 A Okay.

11 Q Page 1.

12 A One.

13 Q And I believe you stated that in your
14 opinion the cost of upgrading the structures to
15 meet seismic standards was prohibitive.

16 A Yes.

17 Q Which seismic standards were you
18 referring to?

19 A Current California building code seismic
20 standards. I do understand, too, that those are
21 under review and we may have a new set. But even
22 let's take the old set.

23 Q Are these state or city seismic
24 standards you're referring to?

25 A I believe, and I need to go back in here

1 to confirm this, but I believe that they are state
2 standards as applied and interpreted through the
3 City and their building code.

4 Q All right, so to your knowledge are the
5 standards you're referring to part of the San
6 Francisco unreinforced masonry building ordinance?

7 A I'm getting into some legal territory
8 that I'm not completely familiar or comfortable
9 with. I believe the reinforced masonry code does
10 not introduce standards above and beyond the state
11 code. But that's not -- I'd have to go back and
12 research that to be sure.

13 Q Okay. So, again, the standards you're
14 referring to in that statement were which, again?
15 I'm a little confused.

16 A The intent of my statement was that we
17 will do it to the proper standard. I believe that
18 to be the California State standard, as directed
19 or dictated by -- let me draw a little bit on my
20 experience at Contra Costa here.

21 You have a chief building official of
22 Contra Costa County. And you have a local
23 authority who, when you get a permit to build a
24 plant or to do something, that local chief
25 building official, that CBO, the CEC delegates a

1 certain amount of its responsibility to the CBO.

2 And he is responsible for applying ASME -- or
3 pardon me, AISC, American Society of Civil
4 Engineers, various code requirements, in addition
5 to the State of California's code and regulations
6 and the like.

7 I don't believe, at the end of the day,
8 that the City of San Francisco has any different
9 code requirement. I guess my intent here, whether
10 I stated it clearly or not, was that we would have
11 to interface and meet the expectations of San
12 Francisco City's CBO in applying all the various
13 standards to what we do in regard to seismic
14 upgrades.

15 Q Okay, but you testified that the cost of
16 doing that was prohibitive. Now why is it that
17 you could conclude that the cost was prohibitive?

18 A I guess it comes down to in my opinion
19 again, the practical benefit derived from
20 restoration to seismic code of these structures,
21 knowing that they couldn't be applied to any real
22 useful purpose in the new unit 7, rendered them,
23 in my professional opinion, impractical.

24 Q Okay. Are you aware that state
25 standards may vary depending upon the use of the

1 building, the historical building?

2 A That's certainly a logical and
3 reasonable conclusion, yes, I could understand
4 that.

5 Q But were you aware of that when you made
6 this statement?

7 A Probably, no, I can't say that I was.

8 Q Okay. On page -- back off of attachment
9 B and back onto here, I think the original
10 testimony or your primary testimony, on page 3 and
11 at line 11 through 14, if you'll take a look at
12 that.

13 You had a response that said that you,
14 in response to CBE's data request, you explained
15 that the San Francisco unreinforced masonry
16 building ordinance required owners of unreinforced
17 masonry buildings, a) to have them inspected to
18 determine whether they meet the existing seismic
19 code; and determine whether they are potential
20 life safety hazards. And then b), you can see
21 that for yourself.

22 Has Mirant done anything to verify or
23 confirm that these buildings are unreinforced
24 masonry buildings?

25 A PG&E made the original determination and

1 passed that along to us. They also passed that
2 analysis on to the building department of the City
3 of San Francisco.

4 They entered into an agreement with the
5 City that they would demolish the buildings, but
6 they asked the City for an extension of that until
7 after they sold the plant to us. At which time it
8 became our problem.

9 In correspondence with the City then I
10 confirmed that what PG&E was telling me, that they
11 had agreed to, with the City, with regard to the
12 classification of the buildings, and their status.
13 And I sent a letter to them and they responded
14 that yes, the City of San Francisco has determined
15 that these are unreinforced masonry structures,
16 and that we will have to properly mitigate them as
17 a result thereof.

18 So, confirmed from the City was
19 obtained.

20 Q Okay. But has Mirant done anything to
21 study this or verify this conclusion on its own by
22 looking at these buildings and examining whether
23 they were, indeed, as PG&E said they were?

24 A In an intuitive sense, yes. There
25 strictly is absolutely no reinforcement in them.

1 They are unreinforced masonry structures from a
2 visual inspection of any of these walls. They're
3 pilasters; they derive basic strength, for
4 instance, station A is almost eight feet thick of
5 solid brick walls.

6 And that doesn't come close to meeting
7 reinforced code today. But, hey, it survived, you
8 know. Maybe sometimes, you know, the old guys
9 knew more than we give them credit for.

10 But, no, it doesn't meet the current --
11 there's no reinforcement in those buildings.
12 None.

13 Q And you're sure of that because of your
14 visual inspection of the buildings?

15 A Yes.

16 Q Okay. I'd like to refer you to
17 attachment A to your testimony. And on page 2 I
18 think you're talking there about -- maybe it's
19 page 1, excuse me.

20 You state that the compressor house has
21 18,400 square feet. And you talk about
22 dimensions. The compressor house sounds like a
23 pretty big building, isn't that right?

24 A In its own sense, it is, yes. Compared
25 to station A turbine hall, it's small. And when

1 you look at it on the structure there. But as far
2 as moving the structure and that, in context with
3 most commercial and light industrial buildings,
4 it's a fair sized structure.

5 Q Is it pretty spacious inside?

6 A Actually I have not been inside that
7 one, myself. But from looking at the pictures,
8 you know, the interior has been gutted. You have
9 clearance to the roofline, and it's about a two-
10 and-a-half-story structure building.

11 Q Okay, well, it apparently has 18,000
12 square feet inside, so that sounds pretty spacious
13 to me.

14 Do you know about how many vehicles or
15 automobiles that you could accommodate if you
16 wanted to use it as a parking structure?

17 A No, I have not looked at that.

18 Q So you haven't made that assessment?

19 A No.

20 Q You don't --

21 A Not that specific assessment, no.

22 Q So you don't know whether it could
23 accommodate say, 120 cars or vehicles?

24 A No. We'd have to go back and look at
25 that.

1 Q Okay. What kind of fabrication takes
2 place in the fabrication area?

3 A There are numerous different fabrication
4 processes which during the sequence of
5 construction --

6 PRESIDING MEMBER PERNELL: Are we
7 talking about the compressor house?

8 MR. WESTERFIELD: No. I was talking
9 about the fabrication area that Mr. Stone had
10 testified to in I guess attachment A on page 2,
11 second or third paragraph.

12 PRESIDING MEMBER PERNELL: Okay.

13 MR. STONE: Some of these processes
14 would lend themselves to, and actually be,
15 advantaged by being performed in an indoor
16 location. Some of them it would be impractical
17 for larger tank type work, or large pipes where
18 you've got to have a lot of trainage and the like.

19 But I think where you're going with that
20 is the assumption that the building would be
21 relocated before we would begin construction.

22 BY MR. WESTERFIELD:

23 Q Well, it's not me testifying about where
24 I'm going with a certain question, but my simple
25 question to you was what kind of fabrication takes

1 place in the fabrication area. And I think you
2 said that some would benefit from being inside.

3 A Piping, sure.

4 Q Piping. Can you be a little more --
5 sounds like you mean a little bit more than just
6 piping, or maybe that's all you mean?

7 A No, in order to work your construction
8 schedule or maintenance schedule in the most
9 efficient and effective manner, the more
10 subassembly work that you can do from outside the
11 immediate location of the plant, the more
12 efficiently and effectively you can work your
13 construction.

14 So, there are aspects of -- there are
15 numerous aspects of the construction, subassembly
16 and preassembly that we try to do in
17 prefabrication areas.

18 These may be somewhat specialized by
19 craft, for instance. The piping people may attach
20 instruments or valves or other things to pipes
21 before they're carried into the main plant during
22 assembly. The electricians may have work that
23 they can do. The boilermakers, similarly.

24 And that subassembly work varies
25 throughout the construction schedule.

1 Q All right, so I guess my bottomline
2 question, where I'm going with this, is could some
3 of those activities be conducted inside the
4 compressor house, given the vast size?

5 A Not in its current location.

6 Q Why not?

7 A Because before you can begin anything in
8 connecting you would have to put the foundation in
9 for the gas turbines and steam turbines. And the
10 footprints of those sit directly over the
11 compressor house.

12 So the compressor house would have to be
13 removed in order to put in the concrete
14 foundations, underground utilities, all of these
15 types of things to which the subassemblies are
16 then placed.

17 Q But if it was move to another location?

18 A If it was moved to another location --

19 Q Onsite.

20 A -- onsite, okay. Now, from a
21 construction sequence standpoint I'm probably
22 adding -- and I'm going to make this up, okay --
23 but I'm adding a year to the construction
24 schedule.

25 Because the first thing I'm going to do

1 is I'm going to do this building relocation. And
2 then I'm going to put it right in the middle of
3 the .8 of an acre area.

4 So I'm going to have to relocate all of
5 the utilities; drive piles; pour my concrete
6 foundation; glue the pieces back together again;
7 do the seismic upgrade on this massive structure
8 before I can even begin all of my other work.

9 Then it's really in my way. Frankly, my
10 preassembly and prefabrication, if I don't lose,
11 if we're not successful in getting rid of some of
12 the oil tanks, this is probably going to have to
13 be done offsite.

14 I am going to have to use those areas
15 for staging of materials to be flown into the new
16 unit primarily in that area.

17 So a lot of the parking, a lot of the
18 prefabrication, and I may be able to give you a
19 better idea from a plan, if that's helpful, as to
20 what's going to have to go offsite and be carried
21 into the site because we simply don't have enough
22 room.

23 Normally I'd like 20 acres for
24 construction. You can get by with about 10 or 12.
25 We've got four at Potrero.

1 Q Okay. Moving on a little bit, you also
2 mentioned that material storage takes place in
3 this .8 acres. Could any of that material
4 storage, any of those materials be stored in the
5 compressor house?

6 A Could they? Again, yes, if it's moved
7 first.

8 Q And would some of these materials
9 benefit by being inside rather than outside in the
10 weather?

11 A Yes, again.

12 Q Okay. Now in your, I guess, analysis
13 that it was not possible to relocate the meter
14 house or the compressor house on site, did you
15 consider use of the location where tank 4 now
16 sits?

17 A No.

18 Q All right. Do you have any information
19 to the effect that it may be abandoned by Mirant
20 in the future?

21 A We have appealed for some time to the
22 ISO to remove the dual fuel capability of unit 3.
23 To date, we have not received any word that we
24 will be able to do that. And I'll have to refer
25 you to someone else on where the negotiations are,

1 that type of thing, on it.

2 Q If you're allowed to do that by the ISO
3 would the tank 4 be needed to store fuel oil for
4 unit 3?

5 A I don't believe that it would be. There
6 is a cooling alternative that may use that as a
7 water tank, too. So, it's getting pretty
8 complicated here.

9 Q Do you know if any of the other tanks on
10 site have been considered as a water tank for any
11 cooling alternatives?

12 A Three and 4 are being considered.

13 Q So 3 is also under consideration?

14 A I would think yes.

15 Q All right.

16 HEARING OFFICER VALKOSKY: Do you have
17 much more, Mr. Westerfield?

18 MR. WESTERFIELD: Not too much more.

19 HEARING OFFICER VALKOSKY: Okay.

20 MR. STONE: On 4, I guess the reason
21 that we looked at it as less desirable than over
22 3, is that if you superimpose, if you look on your
23 little map right and see the red box that we put
24 over number 3 there, if you superimpose that over
25 number 4, notice how the building is probably

1 going to stick out into Humboldt Street, with
2 elevation problems and the like.

3 BY MR. WESTERFIELD:

4 Q Right.

5 A It's probably going to be more difficult
6 to locate than 4 as opposed to 3.

7 Q Right. Now, my understanding is that
8 unit 3 is going to have to be retrofitted with
9 selective catalytic reduction in order to meet Air
10 District rules, is that correct?

11 A We have committed to do that, yes.

12 Q And to your knowledge can unit 3 be
13 operated with SCR and run on fuel oil efficiently
14 and properly?

15 A Can it be operated if the correct SCR
16 equipment is installed, yes. There's precedent.
17 We've installed a dual fuel SCR on now unit 1 in
18 Massachusetts.

19 Q Is that Mirant's plan?

20 A That is under negotiation with the ISO.
21 We prefer to use the single fuel, obviously. But
22 until we get the dual fuel removed we remain
23 concerned about what we're going to have to
24 install there.

25 Q Okay. So let's assume, for the moment,

1 that you can use the site where tank 4 is located.

2 Let's make that assumption.

3 A Four or 3?

4 Q Four.

5 A Okay.

6 Q Let's focus on where tank 4 is located.

7 A Okay.

8 Q And let's assume that we are just going
9 to relocate the compressor house. Is it possible
10 to fit the compressor house on the area where tank
11 4 is now located?

12 A It appears real close.

13 Q So is that a yes or a no? Close yes, or
14 close no?

15 A It's not a yes or no until we do more
16 detailed study. It looks like it might be
17 feasible, but there's some practical
18 considerations that are going to have to be
19 reviewed.

20 Q Okay. So it's a possibility?

21 A I would say it's a possibility, yes.

22 Q And do you have the same problems with
23 services with the location of tank 4 that you
24 testified to earlier with reference to tank 3?

25 A Intuitively I would think that we

1 wouldn't have them to that extent. But, frankly,
2 we have not looked at the underground utilities
3 closely there.

4 Q Okay. All right, I'd like you to take a
5 look at attachment B, if you would. Hold on just
6 a minute, please. Strike that.

7 Has Mirant estimated the cost of
8 demolition of either the meter house or the
9 compressor house?

10 A Yes.

11 Q Can you tell us what that is?

12 A Not off the top of my head. The entire
13 station A complex, I believe, is in the vicinity
14 of \$1.5 million, and that includes some degree of
15 toxic waste remediation. But there are
16 uncertainties and unknowns involved with that, as
17 well.

18 Q Now, it's my understanding that PG&E has
19 some responsibility for toxic waste remediation.
20 Is that your understanding?

21 A That is my understanding up to 60,000
22 cubic yards.

23 Q And above that is it Mirant's cost to
24 bear?

25 A Yeah.

1 Q I see. Now, going back to your cost
2 estimate, I know there are all kinds of
3 ambiguities about it because you didn't have any
4 idea where you might relocate these buildings.

5 If you could provide to your contractors
6 that you were willing to relocate say the
7 compressor house to location of tank 4, could you
8 get a more firm estimate of the costs of
9 relocating the compressor house?

10 A Could I get a more firm estimate, yes.
11 Would I get a sufficiently firm estimate, --

12 Q Not sufficiently firm for your comfort,
13 I suppose, but --

14 A No. Again, actually getting the
15 estimate to relocate the building is only part of
16 the total estimate. You would have to get an
17 estimate for the subsurface work, piling, utility
18 relocation, foundation, which would not be within
19 the scope of this building relocation contractor.

20 And then you'd have the seismic upgrades
21 which are probably not going to be performed by
22 this contractor, but by a separate contractor.
23 So, you're going to have a coordination project
24 really between an AE who's going to look at the
25 thing from a seismic upgrade design standpoint,

1 and probably two or three contractors that would
2 have to be coordinated.

3 Q Do you know what kind of foundation that
4 tank 4 rests on?

5 A No, sir, I don't. And also typically in
6 older locations such as this, you do have oil
7 spillage, you know. Looking forward to toxic
8 waste remediation with the oil tanks, I'm sure.

9 Q I mean is it your expectation that it's
10 a concrete or some kind of --

11 A Yes. A concrete ring anyway. A lo of
12 times fuel tanks will have a sand interior. I'd
13 need to go back and research and find out what's
14 in the center. Probably as shown on the drawing
15 the tanks were added later.

16 Q Is it possible that the sand is on top
17 of the concrete, or is it --

18 A Possible, but improbable.

19 Q I'm sorry?

20 A Possible, but -- well, I'm not going to
21 speculate, I'm not sure.

22 Q Can you speculate as what's probable in
23 your experience?

24 A I've seen various different
25 applications. Going back to that point in time it

1 may or may not have had a complete concrete
2 foundation, or it may have been ringed. But
3 usually you had sand mixed with fuel oil that
4 formed the base for the fuel oil tank.

5 Q All right.

6 A At least in the eastern United States.

7 Q And on a slightly different topic, does
8 Mirant have any of the equipment that may have
9 once occupied either the meter house or the
10 compressor house?

11 A No. There were some pieces of equipment
12 in station A that had been donated as noted in the
13 AFC and subsequent amendments, but to my knowledge
14 there was nothing from either of those two
15 buildings.

16 Q And do you have any idea what happened
17 to that equipment?

18 A No, sir. Well before my time.

19 Q That's all the questions I have at this
20 time, thank you very much, Mr. Stone.

21 A You're welcome.

22 HEARING OFFICER VALKOSKY: Ms. Minor.

23 CROSS-EXAMINATION

24 BY MS. MINOR:

25 Q Mr. Stone, I don't believe I have much

1 for you. You quoted the cost of demolition of the
2 entire station A complex as one-point --

3 A I need to go back and get the exact
4 figure. I believe it's in the vicinity of \$1.5
5 million.

6 Q \$1.5 million. And so that includes the
7 building that is known as station A?

8 A Yes, ma'am, it does.

9 Q Okay.

10 A But only down to a certain depth.

11 Q What does that mean?

12 A In order to construct the new facility
13 we may not need to go and remove all of the
14 foundation of station A. We could leave the
15 concrete at the very bottom possibly in place.
16 We're not exactly sure what we're going to find
17 down there.

18 But all we need to do is remove that
19 amount of material that is below our deepest
20 foundation.

21 Q The City of San Francisco has filed
22 testimony; our witnesses have not, as yet,
23 testified, suggesting that station A, like the
24 meter house and the compressor house, are
25 significant historical resources and eligible for

1 the California Register.

2 If you assume hypothetically for a
3 minute that station A, like the meter house and
4 the compressor house, are eligible. And if you
5 were asked to construct the cost of relocating
6 station A, do you have any idea of what kind of
7 number you'd come up with?

8 MR. CARROLL: I'm sorry, just so I'm
9 clear. The question is a cost estimate for
10 relocating station A?

11 MS. MINOR: Yes.

12 MR. CARROLL: As it currently exists?

13 MR. STONE: What's left of station A.

14 MR. CARROLL: Okay, I just wanted to
15 clarify the question.

16 MS. MINOR: Yeah, relocating what's
17 there.

18 MR. STONE: I wouldn't want to hazard a
19 guess. The walls, as I say, are almost eight feet
20 thick. You know, previously I think I stated that
21 there probably isn't anything that's necessarily
22 impossible. Now we're really pushing the envelope
23 trying to relocate what's left of station A.

24 BY MS. MINOR:

25 Q What size parcel would you need?

1 A I haven't looked at any of that.

2 Q Okay.

3 HEARING OFFICER VALKOSKY: Excuse me,
4 Mr. Stone, when you said pushing the envelope in
5 terms of relocating station A, am I to interpret
6 that as something which may be getting close to
7 just being impossible?

8 MR. STONE: Yes, sir.

9 HEARING OFFICER VALKOSKY: Thank you.
10 Continue, Ms. Minor.

11 BY MS. MINOR:

12 Q Impossible for what reasons?

13 A The entire foundation of station A is a
14 large complex monolithic concrete pour. It has
15 tunnels for cooling water; it has large concrete
16 pedestals on which the turbines sat and condensers
17 were placed below.

18 So, the ability to move any of that is
19 impossible, frankly. The only thing that you
20 really could move, and I'm not sure that you can
21 do that, are essentially walls which are very very
22 thick with many many many courses of brick.

23 And I really don't know how you would
24 cut and section the walls of that thickness and
25 then try to put them back together again. And

1 from a practical standpoint, I'm just completely
2 lost as to what purpose that would serve.

3 Q But, in fact, you could have a
4 contractor look at station A and attempt to give
5 you a proposal that would include the cost of
6 relocation of station A?

7 A Never hurts to ask.

8 Q Um-hum.

9 A You can always ask.

10 Q Okay. Good. Mr. Stone, I'm not sure if
11 this is a question for you or a question for
12 Mirant's previous witnesses. I'm sure Mr. Carroll
13 will tell me.

14 You have a waiver of San Francisco's
15 unreinforced masonry ordinance through 2006, is
16 that correct?

17 A I believe it expires on January 1st of
18 2006, if I remember correctly.

19 Q Okay. Let's take the meter house and
20 the compressor house since there is no dispute
21 amongst the experts that those two are eligible
22 for listing.

23 What is your understanding of the impact
24 of the determination that the meter house and the
25 compressor house are eligible for the California

1 Register on what will happen come January 1, 2006,
2 in terms of compliance with the unreinforced
3 masonry ordinance?

4 Is my question clear?

5 A No, I don't know. Only intuitively,
6 it's hard to imagine that an historical resource
7 would over-view seismic health and safety, people
8 living in the building.

9 Q Have you had any discussions with anyone
10 in San Francisco?

11 A Mr. Chui, but not in the context of that
12 specific question.

13 Q Okay, so your discussions with Mr., I
14 think it's Chui, --

15 A Chui, yes.

16 Q -- your discussions with Mr. Chui have
17 not been in the context of this determination that
18 the compressor house and the meter house are
19 eligible for listing on the California Register?

20 A No, they have not been.

21 Q Okay. And so there have been no
22 conversations with the City of San Francisco
23 independent of this application about potential
24 mitigations?

25 A I don't understand the question.

1 Q Have you had ny discussions with Mr.
2 Chui or anyone else in the building department of
3 San Francisco as to how to mitigate the impact of
4 the potential loss of these structure vis-a-vis
5 the City's unreinforced masonry ordinance?

6 A No, ma'am.

7 Q Okay. Have you specifically looked at
8 whether there is sufficient space on the Potrero
9 site to relocate the meter and compressor houses
10 if an air-cooled condenser is the cooling option
11 that is selected for this project?

12 A If the air-cooled condenser is selected
13 for this project, I'm confident in saying that I
14 can't imagine anyplace on the site that we can
15 relocate either of the buildings.

16 PRESIDING MEMBER PERNELL: I'm sorry,
17 would you say that again?

18 MR. STONE: Sure. If we consider the
19 air-cooled condenser option I cannot envision any
20 location onsite where the buildings could be
21 located.

22 PRESIDING MEMBER PERNELL: For the
23 existing buildings station A, the meter house and
24 the compressor house?

25 MR. STONE: No, sir, this would be

1 limited to the meter house and the compressor
2 building, not considering station A.

3 PRESIDING MEMBER PERNELL: Okay.

4 MR. STONE: The air-cooled condenser
5 option would basically entail taking the entire
6 center --

7 MS. MINOR: Mr. Stone, are you looking
8 at exhibit 46?

9 MR. STONE: Yes, ma'am.

10 MS. MINOR: Okay.

11 MR. STONE: And then we'd have to take
12 existing structures out, as well. We will have to
13 demolish operating structures in order to try and
14 fit the air-cooled condenser in.

15 And we have a concern on the limitation
16 of piping. In order to practically operate an
17 air-cooled condenser it has to be located at a
18 minimum -- a maximum number of feet between the
19 turbine and the air-cooled condenser. The limit's
20 about 200 to 225 feet, depending upon the
21 application.

22 We are struggling with fitting the air-
23 cooled condenser on, let alone the issue of
24 buildings in addition to that.

25 HEARING OFFICER VALKOSKY: How about the

1 other option, hybrid cooling option, wet/dry?

2 MR. STONE: We are struggling a bit with
3 it. The hybrid option we've got roughly a 14-cell
4 tower that sits along the south fenceline.

5 But I don't think that we have that
6 option sufficiently developed to sit here and say
7 definitively whether the buildings would fit or
8 not.

9 HEARING OFFICER VALKOSKY: Okay. It's
10 better than the air-cooled condenser; it's worse
11 than the once-through cooling.

12 HEARING OFFICER VALKOSKY: I'm sorry,
13 Ms. Minor, continue, please.

14 MS. MINOR: I don't believe I have any
15 further questions for Mr. Stone at this time.

16 HEARING OFFICER VALKOSKY: Thank you,
17 ma'am. Mr. Boss.

18 CROSS-EXAMINATION

19 BY MR. BOSS:

20 Q I would like one clarification if I
21 could. You indicated that PG&E's responsible for
22 60,000 cubic yards of remediation.

23 A Yes, sir.

24 Q Okay.

25 A I believe that's the number.

1 MR. BOSS: Thank you.

2 HEARING OFFICER VALKOSKY: I have one
3 final question before we get to redirect.

4 Mr. Stone, I mean I understand why we're
5 considering this now as part of the overall
6 project. Prior to having filed this application
7 for certification with the Commission, was there
8 anything which would have prevented you from
9 destroying, demolishing the meter house and the
10 compressor house?

11 MR. STONE: We began the process of
12 applying for a demolition permit before it had
13 been determined that we were definitely going to
14 go ahead and apply for unit 7.

15 When internally we determined that we
16 were most likely going to go ahead with unit 7, we
17 got a legal opinion back that said it was in our
18 best interests to incorporate the disposition of
19 the station A buildings with our application for
20 unit 7.

21 Otherwise critics could say that, you
22 know, we did this to just demolish things, and
23 then came in and did unit 7 on the back end.

24 HEARING OFFICER VALKOSKY: I agree with
25 that, and that's after the determination had been

1 made that you were proceeding with unit 7.

2 Absent that determination is there
3 anything -- what would you have had to have done
4 other than get a demolition permit from the City
5 to remove these buildings?

6 MR. STONE: We're getting into some
7 areas where legally I'm not --

8 HEARING OFFICER VALKOSKY: Okay, --

9 MR. STONE: -- entirely up to speed on
10 it, but my understanding is that in getting the
11 demolition permit that issues such as this would
12 come up in that process.

13 HEARING OFFICER VALKOSKY: Okay, they
14 would come up, that's --

15 MR. STONE: Somehow they would be
16 addressed --

17 HEARING OFFICER VALKOSKY: Okay.

18 MR. STONE: -- in the process.

19 HEARING OFFICER VALKOSKY: Fine, thank
20 you.

21 PRESIDING MEMBER PERNELL: I have a
22 couple of follow-up questions, Mr. Stone. Your
23 prefiled testimony, and I don't see a stamped date
24 on this, if someone can help me with that.

25 HEARING OFFICER VALKOSKY: This was

1 filed June 21st.

2 PRESIDING MEMBER PERNELL: June 21st.

3 And so your attachments A and B, were they also
4 filed at the same time?

5 MR. STONE: Yes, they were.

6 PRESIDING MEMBER PERNELL: June 21st.

7 And when was this, your conceptual cost estimates
8 done?

9 MR. STONE: Actually I've just finished
10 that up in the last couple of days.

11 MR. CARROLL: That was presented today
12 for the first time. It's the detailed backup to
13 the aggregate numbers that were previously
14 presented, with some additional refinement.

15 PRESIDING MEMBER PERNELL: Okay, so I
16 am, I guess where I'm going with this is I'm a
17 little, I guess, troubled by some of your blanket
18 statements in your attachment B, A-1, under your
19 analyses 2 and 3 that were pointed out by staff
20 where you made the statement that in terms of the
21 meter house it's physically impossible, yet we got
22 a cost estimate that says yes, it can be done.

23 And, again, to meet the current seismic
24 standards is prohibited, and yet there's nothing
25 legally saying that it's prohibited.

1 So I guess I'm a little concerned about
2 some of these kind of blanket statements that
3 you're making in your prefiled testimony. But
4 because you got this indicating at a later date, I
5 guess you -- and your statement with enough money
6 you can possibly do anything.

7 But I would just, in the future, you
8 know, some of these blanket statements that seem
9 to be geared towards there's only one thing to do
10 with these buildings, I don't think does your
11 testimony any good. That's just a personal
12 opinion. Doesn't necessarily need a response, but
13 I'm sure Mr. Carroll is going to say something.

14 MR. CARROLL: Just a couple points of
15 clarification. Points well taken, and let's me
16 try to respond to them.

17 With respect to the cost being
18 prohibitive, we did have an estimate from the
19 moving contractor at the time that we submitted
20 the prepared testimony, and that's where the
21 aggregate dollar figure that was included in the
22 prepared testimony came from.

23 We didn't include in the prepared
24 testimony all the detail that you see here. So in
25 response to the staff's request for additional

1 detail, we took that cost estimate, went through
2 it to make -- Mr. Stone went through it to make
3 sure he agreed with all of the detail, and made
4 some adjustments. And then we submitted that
5 today.

6 But we did have the cost estimate and
7 the aggregate figure from the moving contractor
8 when we submitted the prepared testimony. I think
9 it was on that basis that Mr. Stone testified in
10 his prepared testimony that the cost was
11 prohibitive.

12 With respect to the physical
13 impossibility, you know, there's sort of a fine
14 distinction there. What the contractor has told
15 us is yes, it's physically possible to move this
16 building. But you'll end up with a three-sided
17 building.

18 So when we said it was physically
19 impossible in the prepared testimony, I think what
20 Mr. Stone meant was as a practical matter we can
21 pick it up and move it -- pick it up, cut it apart
22 and move it, but when we get it over here we're
23 only going to have three sides, which is a
24 problem.

25 So, hopefully that -- it certainly

1 wasn't the intent to be contradictory, and I don't
2 think it's contradictory; and hopefully that
3 explanation helps.

4 MR. STONE: I tried to apologize to
5 staff counsel here a few minutes ago, you know,
6 going into this, my use of the words impossible
7 and feasible did not necessarily match some of the
8 definitions, as I've learned in this process.

9 And probably impractical might be better
10 substituted for several of those. And I
11 apologize.

12 PRESIDING MEMBER PERNELL: That, Mr.
13 Stone, this is a process, and we all learn as we
14 go. And I'm sure you have other testimony, so I
15 really don't expect to see, you know, kind of
16 blanket statements like this again, so. But it's
17 your choice.

18 MR. STONE: I understand, thank you.

19 HEARING OFFICER VALKOSKY: Redirect, Mr.
20 Carroll?

21 MR. CARROLL: Just one question.

22 REDIRECT EXAMINATION

23 BY MR. CARROLL:

24 Q Mr. Stone, you responded in response to
25 a couple of questions, I believe one from Ms.

1 Minor and one from Mr. Boss that PG&E retains an
2 obligation, a remediation obligation up to 60,000
3 cubic yards.

4 Do you mean by that that with respect to
5 the soil that needs to be excavated in order to
6 construct unit 7 PG&E retains an obligation for
7 60,000 cubic yards? Or -- I'm going to give you
8 three choices here -- or choice B, do you mean,
9 too, that they retain an obligation for 60,000
10 yards across the entire Potrero Power Plant. Or
11 choice three is do you not know?

12 A The 60,000 cubic yard limit applies to
13 the boundaries of the Potrero Power Plant. There
14 is a question between the parties with regard to
15 whether or not offshore waste that we found in
16 construction marine facilities is included or not
17 in those numbers.

18 So, I think probably to get a proper
19 answer you're going to have to go back to the
20 negotiating parties on that.

21 Q Okay, thank you for that clarification.

22 MR. CARROLL: I have no other redirect.

23 HEARING OFFICER VALKOSKY: Recross? Mr.
24 Boss, recross? Anything else for the witness?

25 Thank you, Mr. Stone, you're excused.

1 PRESIDING MEMBER PERNELL: Thank you,
2 Mr. Stone.

3 MR. STONE: You're welcome.

4 HEARING OFFICER VALKOSKY: Mr. Carroll,
5 does that conclude applicant's direct testimony?

6 MR. CARROLL: Yes, it does.

7 HEARING OFFICER VALKOSKY: Do you have
8 any exhibits you'd like to move?

9 MR. CARROLL: Yes. At this time we
10 would move the following exhibits either sponsored
11 or cosponsored by Ms. Nilsson. Those portions of
12 exhibit 1, identified in her prepared and live
13 testimony. Those portions of exhibit 5 so
14 identified. Those portions of exhibit 8 so
15 identified. Those portions of exhibit 22 so
16 identified. Those portions of exhibit 23 so
17 identified. Those portions of exhibit 29 so
18 identified. And those portions of exhibit 28 so
19 identified.

20 Also those portions of exhibit 34
21 identified in her prepared and oral testimony.
22 And those portions of exhibit 30 identified in her
23 prepared and oral testimony.

24 There are two additional exhibits that I
25 have not been able to match up with the proposed

1 exhibit list distributed this morning when we
2 arrived. They are two of the confidential
3 submittals. One is an attachment to a letter
4 dated December 5, 2000. The docket number is
5 17171.

6 HEARING OFFICER VALKOSKY: I believe,
7 according to the Commission's records, that's
8 supposed to be exhibit 31, although that date is
9 not the same as the one you have.

10 At any rate Commission docket number
11 17171 is exhibit 31 as reflected here.

12 MR. CARROLL: Yes. And the explanation
13 for the raw data appearing on your exhibit list,
14 because we had the wrong date in her prepared
15 testimony, so that was taken from our prepared
16 testimony.

17 HEARING OFFICER VALKOSKY: Okay.

18 MR. CARROLL: That's the explanation.
19 We corrected that date today.

20 And then the final exhibit was --

21 PRESIDING MEMBER PERNELL: What is the
22 corrected date?

23 MR. CARROLL: The corrected date is
24 December 5, 2000.

25 And then the third exhibit is a May 2001

1 document. This was not identified in the prepared
2 testimony. It is docket number 20149. And it
3 consists of the archeological research design and
4 treatment plan.

5 HEARING OFFICER VALKOSKY: No, and we
6 would -- made that exhibit 45 for identification
7 purposes. What is the date on the architectural
8 design and treatment plan?

9 MR. CARROLL: May 2001.

10 HEARING OFFICER VALKOSKY: May 2001.
11 Okay, docket number 21049, we'll treat that as
12 exhibit 45.

13 MR. CARROLL: Had you previously
14 identified that as 45 or did you just do that, Mr.
15 Valkosky?

16 HEARING OFFICER VALKOSKY: I believe I
17 did it previously and we certainly have it treated
18 that way because I have 46 and 47 following it.

19 MR. CARROLL: That was the reason for my
20 question. Okay.

21 We'd also ask that following exhibits
22 sponsored or co-sponsored by Mr. Corbett entered
23 into the record: Those portions of the following
24 exhibits identified in his prepared and oral
25 testimony, exhibit 1, exhibit 6, exhibit 7,

1 exhibit 8, exhibit 22, exhibit 23, exhibit 28, the
2 entirety of exhibit 34; those portions of exhibits
3 29 and 33 identified in his prepared and oral
4 testimony. And the entirety of exhibit 44.

5 With respect to Ms. Bradley we'd ask
6 that the following portions of exhibits identified
7 in her prepared and oral testimony be entered:
8 Exhibits 1, 7, 10, 22, 23, 28 and 34.

9 And we would also ask that the following
10 exhibits sponsored by Mr. Stone be entered into
11 the record: Those portions of exhibits 1, 12 and
12 10 identified in his prepared and oral testimony.
13 And the entirety of exhibits 46 and 47.

14 HEARING OFFICER VALKOSKY: Okay, Mr.
15 Carroll, did any of your witnesses refer to
16 exhibit, or a portion of exhibit 32, which are the
17 responses to CEC data requests 152 and 155 and
18 corresponding figures, according to your notes?
19 My notes may be in error here.

20 I have at line 22 of Mr. Corbett's
21 testimony, page 3.

22 MR. CARROLL: I'm sorry, what page and
23 line, again?

24 HEARING OFFICER VALKOSKY: Page 3 of Mr.
25 Corbett's testimony, line 22. That's referring to

1 an exhibit which I believe we've identified as at
2 least a portion of exhibit 32.

3 MR. CARROLL: Yes.

4 HEARING OFFICER VALKOSKY: Okay, so
5 you're including moving that portion of exhibit
6 32?

7 MR. CARROLL: Yes.

8 HEARING OFFICER VALKOSKY: Okay, thank
9 you. Is that all the exhibits?

10 MR. CARROLL: Yes, it is.

11 HEARING OFFICER VALKOSKY: And portions.
12 Any objection, Mr. Westerfield?

13 MR. WESTERFIELD: We have no objection
14 to most of the exhibits, though we do object to
15 the admission of exhibit 47.

16 HEARING OFFICER VALKOSKY: And your
17 basis?

18 MR. WESTERFIELD: Lack of foundation.

19 HEARING OFFICER VALKOSKY: Okay, we can
20 hold off on 47, because as I understand, it's
21 going to be a topic for continuation of this, is
22 that not correct?

23 MR. WESTERFIELD: That's my
24 understanding. Thank you.

25 HEARING OFFICER VALKOSKY: Okay.

1 Ms. Minor?

2 MS. MINOR: No objections.

3 HEARING OFFICER VALKOSKY: Mr. Boss, any
4 objection?

5 Okay. With the exception of exhibit 47
6 because it is subject to further continuation of
7 this subject matter, the rest of the exhibits
8 identified by Mr. Carroll, including that portion
9 of exhibit 32, are admitted into evidence.

10 Go off the record, please.

11 (Off the record.)

12 PRESIDING MEMBER PERNELL: Mr. Valkosky.

13 HEARING OFFICER VALKOSKY: Okay, we have
14 finished with applicant's witnesses. We will now
15 turn to staff. Mr. Westerfield, are you going to
16 have your three witnesses testify as a panel?

17 MR. WESTERFIELD: No. I would like to
18 have Mr. Reinoehl and Mr. Mason testify together
19 as a panel, because they both authored the section
20 of the FSA.

21 And then I will have Ms. Scott testify
22 separately, since she authored the supplemental
23 testimony.

24 HEARING OFFICER VALKOSKY: Okay. Does
25 that pose difficulties with any of the other

1 parties?

2 MR. CARROLL: No.

3 MR. BOSS: No.

4 HEARING OFFICER VALKOSKY: Proceed.

5 Have your witnesses sworn, please.

6 Whereupon,

7 ROGER MASON and GARY REINOEHL

8 were called as witnesses herein, and after first
9 having been duly sworn, were examined and
10 testified as follows:

11 MR. WESTERFIELD: Just a moment, I'm
12 adjusting psychologically to the prospect of
13 staying very late.

14 (Laughter.)

15 HEARING OFFICER VALKOSKY: Well, we
16 could talk fast, or go to simultaneous testimony
17 wherein everyone talks at the same time.

18 (Laughter.)

19 HEARING OFFICER VALKOSKY: Other than
20 that, proceed.

21 DIRECT EXAMINATION

22 BY MR. WESTERFIELD:

23 Q Mr. Reinoehl, could you describe your
24 qualifications and areas of expertise for the
25 Committee, please.

1 MR. REINOEHL: Yes. I have a masters in
2 cultural resource management. I have worked in
3 this field for about 25 years in the States of
4 Alaska, Washington, Oregon and California. Most
5 of that, the last 20 years, being in California.

6 For seven of these years I worked in the
7 California Office of Historic Preservation
8 reviewing determinations of eligibility and
9 findings of effect under federal regulations. And
10 impact analysis under CEQA.

11 I've worked with the California Energy
12 Commission for approximately two years preparing
13 staff analyses of siting cases for cultural
14 resources.

15 I have worked on over 20 siting cases
16 and my expertise is in the field of archeology.

17 MR. WESTERFIELD: And, Mr. Mason, would
18 you describe your qualifications and areas of
19 expertise?

20 DR. MASON: Yes, I have a PhD in
21 anthropology with an emphasis in archeology. And
22 also I'm a registered professional archeologist.

23 I've been Director of cultural resources
24 at Chambers Group, an environmental consulting
25 firm in Irvine, for nine years. And I have 19

1 years overall experience in cultural resources
2 management in California.

3 Although my primary expertise is in
4 archeology, I've worked on numerous projects that
5 involved architectural history with architectural
6 historians.

7 And as a consultant to the CEC I've
8 worked on seven power plant licensing cases.

9 MR. WESTERFIELD: Mr. Reinoehl, what has
10 been your role in the Potrero project?

11 MR. REINOEHL: I assisted in preparing
12 the staff assessments for cultural resources
13 dealing mostly with the impacts and the conditions
14 of certification.

15 MR. WESTERFIELD: And, Mr. Mason, what's
16 been your role in the Potrero project?

17 DR. MASON: I helped to prepare data
18 requests and assisted in preparing the staff
19 assessment for cultural resources dealing mostly
20 with the identification and eligibility of
21 resources.

22 MR. WESTERFIELD: And did you both
23 prepare or assist in the preparation of the
24 cultural resources chapter of the final staff
25 assessment testimony that is part of the final

1 staff assessment?

2 MR. REINOEHL: Yes, I assisted in
3 preparing the FSA.

4 DR. MASON: I also assisted in preparing
5 the FSA.

6 MR. WESTERFIELD: First I'd like to
7 direct some questions to Mr. Mason. Mr. Mason,
8 could you briefly summarize your testimony that is
9 a part of the FSA, the cultural resources section,
10 including, if you would, your conclusions as to
11 whether the project complies with applicable LORS
12 and has any significant adverse environmental
13 impacts.

14 DR. MASON: Yes, there are five
15 buildings on the power plant property that are
16 more than 45 years old that we evaluated for
17 California Register eligibility.

18 These are the meter house, the
19 compressor house, the main station A building, the
20 gatehouse and the pumphouse.

21 I agreed with the applicant's evaluation
22 that the compressor house and the meter house meet
23 the eligibility criteria for the California
24 Register under criterion 1. And that's the
25 association with important events. And that they

1 are eligible as individual buildings because
2 they're the only remaining examples of facilities
3 used in the gas manufacturing process by Pacific
4 Gas and Electric prior to 1930.

5 And the manufactured gas was very
6 important in the development of late 19th century
7 and early 20th century San Francisco.

8 Although the buildings are individually
9 eligible and they have integrity as buildings, in
10 other words they are still as they were originally
11 designed and constructed. The gas distribution
12 equipment has been removed from the buildings, and
13 so that does somewhat diminish their integrity
14 when you're looking at the technological process
15 of gas manufacturing and distribution.

16 These two buildings were related in the
17 gas distribution part of the overall gas
18 manufacturing and distribution process. The gas
19 was manufactured north of Humboldt Street and then
20 passed in pipes under Humboldt to a large tank,
21 which was known as a holder.

22 On the exhibits there's a large circular
23 foundation visible in the aerial photos south,
24 southwest of the compressor house. The gas was
25 stored in that holder until it was ready to be

1 distributed. And the holder put partially under
2 pressure.

3 Then the gas went into the compressor
4 house where it was compressed further so it could
5 be distributed in a pipeline system throughout San
6 Francisco and other parts of northern California.

7 After it was compressed, put under
8 pressure in the compressor house, it then went
9 into the meter house where it was measured and
10 sent out to the distribution system.

11 So that's some idea of the relationship
12 of the two buildings and the process.

13 And as I stated, staff agrees that the
14 compressor house and the meter house are eligible
15 as individual buildings under criterion A or
16 criterion 1 for the California Register.

17 In addition, staff agrees with the
18 applicant that the remaining part of station A and
19 the attached office is not eligible for the
20 California Register because of loss of integrity.
21 Over 50 percent of the main station A building was
22 demolished in 1983. That was the boiler room.
23 And what's left is the turbine room.

24 Staff also agrees with the applicant
25 that the gatehouse is not eligible for the

1 California Register because of loss of integrity
2 of setting, feeling and association. It was
3 originally attached to the boiler room, which is
4 no longer extant. And thus the gatehouse has lost
5 integrity of setting, feeling and association.

6 Finally, staff agrees with the applicant
7 that the pumphouse is not eligible for the
8 California Register because it does not represent
9 an important part of the original electrical
10 generation system. The building consists of --
11 was built in 1930, much later than the other main
12 parts of the generation system. And it consists
13 of an asbestos paneled shed which is not
14 architecturally distinctive.

15 MR. WESTERFIELD: Thank you, Mr. Mason.
16 Now I'd like to have Mr. Reinoehl summarize other
17 aspects of cultural resources that are in the FSA.

18 MR. REINOEHL: Staff agreed with the
19 applicant that demolition of the compressor house
20 and the meter station would have a significant
21 adverse effect on the environment.

22 Staff also agreed with the applicant's
23 proposed mitigation measures of documenting these
24 buildings using HAER standards and archiving the
25 documentation in a local repository. However,

1 this will not mitigate the impact of the
2 demolition of these buildings to less than
3 significant.

4 During the analysis for the FSA staff
5 considered the intervenor's proposed mitigation
6 measures to provide funding for the rehabilitation
7 of buildings at Pier 70.

8 There are two reasons this was not
9 considered as a mitigation measure. First, there
10 was no clear nexus between the Pier 70 buildings
11 and those within the power plant site. Secondly,
12 the two buildings that meet the eligibility
13 criteria for the California Register of Historical
14 Resources are considered individually eligible.

15 Funding rehabilitation of other
16 buildings within a larger district would not
17 reduce the impact of the project and the
18 demolition of these buildings to less than
19 significant.

20 Accordingly, staff has recommended
21 relocation --

22 MR. WESTERFIELD: Let me interrupt you
23 if I may.

24 MR. REINOEHL: Sure.

25 MR. WESTERFIELD: After hearing the

1 testimony today would it be your opinion that the
2 loss of these buildings would substantially alter
3 the eligibility of a larger historical district?

4 MR. REINOEHL: We looked at the various
5 districts that were proposed and the various
6 documents that have been mentioned before the
7 Commission to date, and if there were a larger
8 district what CEQA says is that if they're
9 materially impaired, if the resource is materially
10 impaired, then there needs to be mitigation.

11 And that determines what the
12 significance of the impact is, or whether it is a
13 significant impact. If there were a larger
14 district, and these two buildings were a portion
15 of it, from the information that we have to date,
16 and I'm not agreeing that there is a larger
17 district, but just from the information we have to
18 date, that the demolition of these two buildings
19 would not materially impair the district.

20 So the eligibility of the district would
21 not change by the demolition of these buildings.
22 Therefore, it's not a significant impact on the
23 environment.

24 MR. WESTERFIELD: All right, thank you.
25 Would you like to continue with the summary of

1 your testimony?

2 MR. REINOEHL: Yes. Accordingly, staff
3 has recommended relocation of these two buildings
4 to a nearby vacant property, and rehabilitate them
5 for use in accordance with the Secretary of
6 Interior's standards. This mitigation would
7 reduce the impact to less than significant.

8 In the FSA we indicated that it was
9 feasible to move buildings, but that staff had not
10 yet located a site to place them, or determine how
11 the buildings would be conserved, once moved.

12 MR. WESTERFIELD: Okay. Now, this was
13 your testimony in the FSA. Is it still your
14 testimony today?

15 MR. REINOEHL: Not in all respects.
16 There are some modifications to our testimony, and
17 I have a list of those.

18 After review by Ms. Scott's, her
19 testimony and reading her analysis, we believe
20 that the compressor house and the meter house
21 retain integrity of location, design, materials
22 and association. That workmanship and feeling are
23 minimally essential in the ability to convey
24 significance. And that setting has been seriously
25 diminished.

1 We agree with the applicant's proposed
2 CUL-6, which is the donation of historic
3 resources. In CUL-2, CUL-3, CUL-12 and CUL-13 we
4 have referred to the Historic American Engineering
5 Record, HAER. We would like to change that
6 Historic American Building Record/Historic
7 American Engineering Record; it's known as
8 HABS/HAER.

9 In addition, CUL-3 currently states that
10 prior to demolition or alteration of the meter
11 house and compressor house. That condition should
12 state prior to moving the meter house and
13 compressor house. That is that recording will be
14 done prior to the move.

15 And the verification for CUL-3 should
16 state at least 30 days prior to moving the meter
17 house and compressor house, continuing.

18 CUL-6 and CUL-7, those are the ones that
19 the applicant has requested that the training be
20 done through a video. Staff has updated
21 conditions since this was written, and we now
22 accept a video for training. That's generally
23 been done -- we allow a less hands-on training if
24 there is an increase in the amount of monitoring
25 that's done, so that there are professionals there

1 that will insure that if resources are discovered
2 that the impact will be minimized.

3 And we will look for the monitoring
4 requirements in the cultural resource monitoring
5 and mitigation plan that's required in the
6 conditions.

7 CUL-16 needs a minor change. It should
8 state the project owner shall submit an original,
9 or an original quality copy of a public oriented
10 history of the meter house and the compressor
11 house, and the gassification process to the CPM
12 for review and approval. The CPM-approved history
13 shall be provided to the local public libraries
14 and public schools. It's a minor change for
15 clarification.

16 CUL-12 can be removed, as we've looked
17 at updated conditions. This is one that we have
18 dropped.

19 CUL-17 needs to be modified to require
20 that the buildings be moved to a location that has
21 the same general industrial environment. That the
22 buildings are sited in the same compass direction
23 as the original siting. And that they remain in
24 the same orientation. And that they be used to
25 interpret the role they placed in San Francisco's

1 history or other compatible use.

2 CUL-17 then would be the following: The
3 project owner shall develop an implementation plan
4 for the relocation of the meter house and
5 compressor house to be submitted to the CPM for
6 review and approval.

7 This shall include, but not be limited
8 to, finding a comparable site in close proximity
9 to the original location, in the same general
10 industrial environment; preparing interim
11 protection and stabilization of the buildings
12 during and after the move, and until a viable
13 rehabilitation project is implemented.

14 Develop covenants that protect the
15 character-defining elements and develop a
16 marketing plan if ownership will be changed from
17 the project owner.

18 The new location should be reviewed and
19 commented on by the City and County of San
20 Francisco. The implementation plan shall insure
21 that the buildings are removed from their current
22 location prior to any project related activities
23 that could endanger the buildings.

24 The verification would say no later than
25 30 days after certification the project owner

1 shall provide an implementation plan that has been
2 reviewed and commented on by the City and County
3 of San Francisco for the relocation of the meter
4 house and compressor house to be submitted to the
5 CPM for review and approval.

6 CUL-18, the verification needs to be
7 changed to the following: Prior to completion of
8 construction the kiosk design, a script and
9 proposed graphics shall be provided to the CPM for
10 review and approval. Within 90 days after
11 receiving approval of the kiosk design, a script
12 and proposed graphics, the project owner shall
13 provide a letter to the CPM describing the
14 contractor that shall be constructing the
15 interpretative kiosk and installing the displays.

16 The letter shall include the proposed
17 completion date for the display. And, again,
18 that's clarification on that verification.

19 If it were not possible or feasible to
20 move one of the buildings, then we'd recommend the
21 moving of one building would be a partial
22 mitigation. Moving one building and demolishing
23 the other would not fully mitigate the impact to
24 less than significant.

25 Lastly, the office building is a

1 concrete building with a metal ornamentation. The
2 building was constructed in 1904, 1905 or a period
3 early in the century. There was no record in a
4 standard, a DBR-523 form. No record was provided
5 for that office building that gave specific
6 information about the building.

7 If this building is a reinforced
8 concrete building, then it would be significant
9 under criterion 3 of the California Register of
10 Historical Resources. There is not sufficient
11 information provided to date to know if this is a
12 reinforced masonry building.

13 MR. WESTERFIELD: Mr. Reinoehl, does
14 that conclude the modifications to staff's
15 recommended conditions of certification?

16 MR. REINOEHL: Yes, it does.

17 HEARING OFFICER VALKOSKY: Okay, at this
18 point, before we go too far afield, Mr.
19 Westerfield, would you like this identified as an
20 exhibit?

21 MR. WESTERFIELD: We have prepared this
22 in order to make it clear what our recommended
23 changes are. So if it would be helpful to the
24 Committee to do that, we'd be glad to --

25 HEARING OFFICER VALKOSKY: I think it

1 would be helpful. We'll entitle it modifications
2 to staff testimony dated July 22, 2002. It's the
3 two-page submittal that Mr. Reinoehl has just
4 testified to. I'll identify it as exhibit 48.

5 And point of clarification. Mr.
6 Reinoehl, you refer in page 2, paragraph 5, to the
7 office building. Is that building visible on
8 exhibit 46, which is the aerial? And if so, could
9 you point it out for at least my clarification.

10 MR. REINOEHL: Okay, yes, it is. It's a
11 little difficult, amongst all the buildings, to
12 point out, but south of tank 4 you can see a red
13 roof, which is part of station A, and it's a long
14 building. It's red part of the way and gray the
15 other part of the way.

16 And just west of it, to the left, is a
17 building that is adjacent to station A. And part
18 of the roof is in shadow and part of the roof is a
19 light gray or a medium gray color.

20 HEARING OFFICER VALKOSKY: Okay, now I'm
21 looking at that. We've got one structure which
22 could be a roof which is adjacent to Humboldt
23 Street and one south of it. Which one are you
24 talking about? The longer, narrower one which
25 has, and adjacent to Humboldt Street? Or is that

1 one building?

2 MR. REINOEHL: Okay, maybe if I hold
3 this up and point specifically to the building
4 that would be of some assistance.

5 Here's station A.

6 HEARING OFFICER VALKOSKY: Right.

7 MR. REINOEHL: And it's this little
8 building right here adjacent to station A.
9 There's another building out here, but that is not
10 part of the office.

11 HEARING OFFICER VALKOSKY: Okay. So
12 it's the narrowest of the three structures --

13 MR. REINOEHL: Yes.

14 HEARING OFFICER VALKOSKY: -- indicated
15 there?

16 MR. REINOEHL: Yes.

17 HEARING OFFICER VALKOSKY: Thank you.

18 PRESIDING MEMBER PERNELL: Is that
19 attached to station A, the office building that
20 you're describing?

21 MR. REINOEHL: It appears that it's
22 adjacent to and not, you know, it's difficult to
23 know if it's physically attached or not. But it's
24 adjacent to. The side of one building is right up
25 against the other. The exact relationship in how

1 they meet is hard to tell.

2 MR. SMITH: Do you know what the purpose
3 of that office building was?

4 MR. REINOEHL: The record that was
5 provided for station A did provide individual
6 records for the pumphouse and the gatehouse and
7 provided additional clarification on what those
8 buildings were for.

9 Then it provided a single record for
10 station A and included the office building in that
11 description. And there was not a lot of detail
12 about the office.

13 MR. SMITH: Does that mean it was part
14 of station A?

15 MR. REINOEHL: Yes. Its use was part of
16 what station A was built for, yes.

17 MR. SMITH: So station A, itself, is not
18 significant because half of it is missing. Isn't
19 it logical to assume that the other -- a part of
20 the remaining station A therefore is not
21 significant either, because it's part of station
22 A, it's part of the original purpose for which
23 half is missing?

24 MR. REINOEHL: That's a very good
25 question. Station A is a complex of buildings.

1 And certainly considered as a complex, and what
2 that entails is a group of buildings that are
3 tightly associated. And they were considered
4 under various eligibility criteria and found not
5 to meet those criteria.

6 However, if this is a reinforced
7 concrete building, it's minimal, and yes, it's
8 attached to the others. It would be a very early
9 reinforced concrete building.

10 And sometimes the fact that something is
11 early, or the first, or that sort of -- the last,
12 or the last existing of a particular building type
13 can elevate its significance to where you would
14 consider this as an individual building, away from
15 that group of buildings.

16 And because it could be reinforced
17 concrete and would be a very early example of
18 that, one that withstood the 1906 earthquake, as
19 well as the Loma Prieta, it would make it fairly
20 significant.

21 MR. SMITH: How does one go about making
22 that determination?

23 MR. REINOEHL: One, there would need to
24 be some research done to understand if it is a
25 reinforced masonry building or not. It does

1 appear to be a concrete building.

2 And I don't, you know, just from looking
3 at it, and the lack of description in the record
4 that was provided, I can't make a judgment on
5 that. There would have to be somebody who's well
6 versed in what records there are, or possibly some
7 selective demolition of the building to determine
8 if it is, in fact, a reinforced masonry.

9 That would be very minimal when I say
10 demolition. We're talking about small sections of
11 the wall to see if there is reinforcing in that
12 wall.

13 HEARING OFFICER VALKOSKY: Continue.

14 MR. WESTERFIELD: Okay, thank you.

15 BY MR. WESTERFIELD:

16 Q So, I'd like to ask you, Mr. Reinoehl, a
17 couple of questions about relocation of the
18 buildings.

19 Tell me what you have done or what staff
20 has done to investigate the feasibility of moving
21 the buildings.

22 MR. REINOEHL: We have contacted seven
23 moving companies and provided them with
24 information, both photos and descriptions of the
25 buildings, and asked them if they might be able to

1 comment on their ability to move these buildings,
2 and also some rough cost estimate.

3 To date we have not heard back from the
4 building movers, although several of them have
5 expressed a real interest in such a project.

6 MR. WESTERFIELD: Has staff investigated
7 where the buildings could be moved to and who
8 might take them?

9 MR. REINOEHL: Yes, we have talked to --
10 I talked with Mr. Mark, hope I'm saying the name
11 right, Mr. Paez, is that right? Thank you.

12 I did talk with him about whether these
13 could be relocated onto any of the Port of San
14 Francisco's property, and he said the Port would
15 not be interested in these buildings.

16 There's also some property owned, as
17 nearly as we can tell at this point, by property
18 records, that is adjacent to the project across
19 22nd Street. We have contacted a planner with
20 PG&E and they expressed interest in the buildings,
21 but still have not been able to have direct
22 contact with decision makers at PG&E to see if
23 they would take these buildings.

24 We've also looked at other possible
25 locations of the buildings within the Potrero

1 project area.

2 MR. WESTERFIELD: And, Mr. Reinoehl,
3 what would be involved in preserving and
4 maintaining the buildings?

5 MR. REINOEHL: The buildings would need
6 to be rehabilitated to the Secretary of Interior's
7 standards, and you've all heard that before.

8 And in the interim, there's nothing to
9 say they can't be moved to a temporary location
10 and then to a permanent location. That, of
11 course, tends to make costs run up even more. But
12 that can be done.

13 There would need to be some interim
14 protection plan prior to the stabilization of the
15 buildings, or them stabilized during and after the
16 move until a viable rehab project is implemented.

17 Compatible uses would need to be
18 identified and these buildings could be used for a
19 number of things from parking to warehousing to
20 office function. So there's a number of functions
21 that they could be used for.

22 Potential owners, if they are moved off
23 of the Potrero property, would need to be
24 identified, who would be willing to stabilize,
25 rehabilitate and maintain the buildings.

1 The character-defining features would
2 need to be protected through covenants. And the
3 maximum advantage should be taken of the State
4 historic building code to meet the intent of
5 health, safety and seismic codes.

6 After the buildings are rehabilitated
7 they should be reevaluated at the new site to
8 determine whether they retained enough integrity
9 to be listed on the California Register and the
10 National Register. And they should be nominated
11 for listing on those registers.

12 If they are still eligible there would
13 be financial incentives available for listed
14 historical resources such as the Mills Act;
15 rehabilitation investment tax credits for
16 certified historic properties.

17 MR. WESTERFIELD: Those are all the
18 direct examination questions that we have.

19 HEARING OFFICER VALKOSKY: Okay, thank
20 you, Mr. Westerfield. Before I turn it over to
21 cross I've got a couple.

22 Mr. Reinoehl, I believe I heard you
23 testify that applicant was proposing to contribute
24 a certain amount of money as rehabilitation funds
25 for Pier 70, is that correct?

1 MR. REINOEHL: The intervenors, I
2 believe, were suggesting that some money could be
3 contributed to Pier 70 buildings. I don't believe
4 the applicant --

5 HEARING OFFICER VALKOSKY: Okay, then I
6 misunderstood that. Do you have any idea what
7 amount of money is being talked about?

8 MR. REINOEHL: I don't remember.

9 HEARING OFFICER VALKOSKY: Okay. As far
10 as the relocation of the meter and the compressor
11 house, I understood you to say that the Port was
12 not interested, and that PG&E was noncommittal, is
13 that correct, as far as providing a spot for these
14 buildings?

15 MR. REINOEHL: The Port, you're correct,
16 the Port is not interested. PG&E expressed some
17 interest to the planner that we spoke with;
18 however, they have not yet been able to tell us
19 whether decision makers at PG&E would be willing
20 to take those buildings. So if that's non-
21 committal, then --

22 HEARING OFFICER VALKOSKY: That's with
23 the ambit of noncommittal.

24 MR. REINOEHL: Okay.

25 HEARING OFFICER VALKOSKY: Have you

1 identified any property owner in the area who is
2 willing to take the buildings?

3 MR. REINOEHL: To date, no.

4 HEARING OFFICER VALKOSKY: Is staff's
5 existing cultural analysis sufficient to cover the
6 potential cultural resources impacts if the
7 transmission line route follows the Hetch Hetchy
8 option?

9 MR. REINOEHL: It's been awhile since I
10 read what the Hetch Hetchy option was. Is that
11 the one that was the preferred one down to
12 Hunter's Point? Is that the --

13 HEARING OFFICER VALKOSKY: It is an
14 underground route which, as I understand it, the
15 City may allow applicant to use. The City is
16 going ahead with that project as part of their
17 Hetch Hetchy upgrade, as I understand it.

18 MR. REINOEHL: Okay, and then if you
19 could repeat the question?

20 HEARING OFFICER VALKOSKY: Okay. As you
21 state in your testimony, that it's based on one of
22 the alternate routes, you don't specifically say
23 whether your analysis would cover any cultural
24 resource impacts should the Hetch Hetchy route be
25 selected.

1 And what I want to know is the Hetch
2 Hetchy route covered under your analysis in terms
3 of impacts to cultural resources. Or is it
4 sufficient to cover it?

5 MR. REINOEHL: I believe it would cover
6 it, yes.

7 HEARING OFFICER VALKOSKY: Thank you.
8 Do you agree with applicant's witness, which I
9 don't want to get back into it now, when we were
10 discussing eligibility for listing as opposed to
11 actual listing, do you agree with their
12 interpretation of those terms?

13 MR. REINOEHL: I'm trying to remember
14 what they said about those two things.

15 HEARING OFFICER VALKOSKY: Okay, well,
16 as I recall it was basically cultural resources
17 which are determined to be eligible for listing on
18 the California Register, as a practical matter,
19 get the same consideration as those resources
20 which are actually listed.

21 MR. REINOEHL: Yes, I agree with that.

22 HEARING OFFICER VALKOSKY: And, Mr.
23 Carroll, if I have misstated your witness'
24 testimony please jump in right now.

25 MR. CARROLL: I believe you stated it

1 correctly.

2 HEARING OFFICER VALKOSKY: Do you agree
3 with applicant's witness, I believe it was Ms.
4 Bradley, concerning the criteria for consideration
5 under section 106 of the National Historic
6 Preservation Act?

7 MR. REINOEHL: They said that they
8 considered the buildings eligible under criterion
9 A of the National Register and criterion 1 of the
10 Cal Register.

11 As a state agency, I comment on the Cal
12 Register. I don't look at National Register
13 eligibility because I believe that's out of our
14 purview under CEQA.

15 HEARING OFFICER VALKOSKY: Okay, do you
16 have any opinion on whether the project, as
17 proposed, would likely comply with federal law as
18 reflected in section 106 of the National Act?

19 MR. REINOEHL: I believe it would, yes.

20 HEARING OFFICER VALKOSKY: Do you share
21 the opinion voiced by Ms. Bradley that there is
22 the potential for conflict between mitigation
23 under the federal and state acts in this case?

24 MR. REINOEHL: That's somewhat
25 problematic to give you a really straight answer

1 because the federal agency doesn't comment -- or
2 the federal agency, the Corps of Engineers in this
3 case, will not take any firm statement to the
4 California SHPO until they've received a permit
5 application. It was unclear as to whether they
6 have, to date, received a permit application.

7 At that time and point they would
8 consult with the California SHPO to determine what
9 the area of potential effect is for their
10 undertaking, which would be the permitting of the
11 dredging.

12 In that discussion they determine
13 whether part of the project, which it may just be
14 the part that's under water where they're doing
15 the dredging, is applicable to this section 106
16 regulations. Or they might decide that the entire
17 project is.

18 And that's between the federal agency
19 and the California SHPO. I am not prepared to
20 guess what their determination might be on that.
21 And if it's only the underwater part, I can see
22 that there would be no chance of any conflict.

23 HEARING OFFICER VALKOSKY: Okay, and all
24 this would be triggered by formal application for
25 a 106 permit, is that correct?

1 MR. REINOEHL: That's correct.

2 HEARING OFFICER VALKOSKY: Mr. Carroll,
3 has applicant submitted a 106 permit or
4 application for permit?

5 MR. REINOEHL: It's a permit for
6 dredging, is probably the --

7 MR. CARROLL: Yes, we have, to the
8 Dredge Materials Management Office, the DMMO,
9 which includes the Army Corps of Engineers and a
10 number of other state agencies.

11 HEARING OFFICER VALKOSKY: Okay, and
12 that's the contacts that you indicated earlier you
13 had not yet heard back?

14 MR. CARROLL: Well, we have heard back
15 with respect to the request for the dredge permit.
16 But there was no indication as to additional
17 requirements related to historical resources. And
18 we're not expecting any.

19 HEARING OFFICER VALKOSKY: Right, okay.
20 Mr. Reinoehl, would potential demolition of the
21 meter house and the compressor house, in your
22 opinion, contribute to a cumulative or a direct
23 adverse impact due to the project?

24 MR. REINOEHL: The demolition of those
25 two buildings would be an adverse impact.

1 HEARING OFFICER VALKOSKY: Is it direct
2 o cumulative, or you see no need to distinguish
3 between the two?

4 MR. REINOEHL: It would be direct. I
5 don't think there's any need to talk to cumulative
6 if it's direct.

7 HEARING OFFICER VALKOSKY: Okay.
8 Turning now to exhibit 46 once again, which is the
9 aerial map. We had testimony earlier that the
10 southern area for relocation, the one outlined in
11 orange, going to the south of tank number 3, was
12 on an area which was historically used for sugar-
13 related operations. Do you recall that testimony?

14 MR. REINOEHL: Yes.

15 HEARING OFFICER VALKOSKY: Okay. Do you
16 share Mr. Corbett's opinion that relocating the
17 buildings to a site not historically used for gas
18 distribution would destroy the historical --
19 dilute the historical significance of the
20 buildings?

21 MR. REINOEHL: In my opinion it could be
22 moved to a location that is not on the original
23 gas manufacturing parcel and still be mitigated to
24 less than significant by that move.

25 HEARING OFFICER VALKOSKY: Okay, so then

1 the historical land use of that site is less
2 important in your opinion?

3 MR. REINOEHL: Yes.

4 HEARING OFFICER VALKOSKY: Okay.

5 MR. SMITH: I have a very quick question
6 for you then. Of the seven criteria, could you
7 clarify for us then what is the primary criteria
8 that you're using to determine historic
9 significance? If you can move this to another
10 site that is unrelated to gas manufacturing and
11 still retain the significance, then what, in your
12 opinion, is the primary criteria?

13 MR. REINOEHL: One, I want to make
14 clear, it's criteria 1 of the Cal Register that
15 we're weighing as significance, and then there's
16 seven aspects of integrity.

17 There are certain things that CEQA and
18 the Cal Register say, and it says that buildings
19 can be moved and still eligible if they're in an
20 area where the historic association is still
21 conveyed.

22 It doesn't say it has to be on the same
23 parcel. And if it's in an industrial environment
24 that's very similar to where it has been for this
25 first portion of its life, then in my estimation

1 that is sufficient under CEQA.

2 HEARING OFFICER VALKOSKY: Have you
3 ascertained the feasibility of the location for
4 the interpretative kiosk mentioned in condition
5 cultural-18?

6 MR. REINOEHL: Well, that's been a --
7 no, directly to answer that. It's been originally
8 we said somewhere adjacent to the project property
9 because that would be the closest place where
10 people could see it.

11 And then there was discussion of a park
12 down along 23rd near the waterfront, and I said,
13 well, that would even be a better place for it.
14 And then there was some discussion as to whether
15 that park would not exist.

16 So that's why the answer is no, I have
17 not, because there seems to be a moving target to
18 aim at.

19 HEARING OFFICER VALKOSKY: Okay, and I
20 want you to assume that the Commission adopted
21 that condition, cultural-18. How would that be
22 implemented? And by that, I mean the actual
23 location of the kiosk.

24 MR. REINOEHL: Well, one, if the park
25 ends up being a true entity at the end of 23rd

1 Street, that would be an excellent place for it,
2 you know. I don't know where that is; I've not
3 heard anything about that in quite awhile.

4 Other than that, somewhere adjacent to
5 the property that has public access so that the
6 public can see such a display about the history of
7 the gas manufacturing process and the buildings
8 that were there.

9 HEARING OFFICER VALKOSKY: So then is
10 this something that Commission Staff would pursue
11 during the compliance and monitoring process,
12 post-certification?

13 MR. REINOEHL: Yes. I don't see a way
14 at this point to have an absolute place to mark on
15 the map and say that's where it goes.

16 HEARING OFFICER VALKOSKY: Okay, what is
17 your understanding of the term rehabilitation when
18 used to refer to the rehabilitation of historic
19 buildings, such as building 113, as suggested by
20 the City and County?

21 MR. REINOEHL: Rehabilitation is making
22 the building so that it is a useable building that
23 meets code, although it would be -- if building
24 113 is a historical resource then it could be the
25 historic building code, so it may not be -- it

1 allows more latitude in what's done.

2 But making it a serviceable building
3 that still maintains its character-defining
4 attributes.

5 HEARING OFFICER VALKOSKY: Okay. Is
6 that, in your opinion, a generally professionally
7 accepted use of the term rehabilitation?

8 MR. REINOEHL: I think so.

9 HEARING OFFICER VALKOSKY: What I'm
10 trying to get at is, I mean, it's like any other
11 word. They mean different things to different
12 people.

13 MR. REINOEHL: Right. I think that's
14 generally a very shortened characterization of it,
15 yes.

16 HEARING OFFICER VALKOSKY: I had a
17 discussion earlier with primarily Ms. Bradley, and
18 as I understood her testimony she was relying on
19 the impression that Commission Staff had made the
20 determination of eligibility for the placement of
21 the meter and compressor houses on the California
22 Register. Were you here for that discussion?

23 MR. REINOEHL: Yes.

24 HEARING OFFICER VALKOSKY: Okay. In
25 your opinion is it staff that makes that

1 determination? Or is that a determination which
2 would derive from the Commission decision and the
3 decision of the majority of the Commissioners?

4 MR. REINOEHL: We make a recommendation
5 to the Commission, and it's the Commission that
6 makes the final decision.

7 HEARING OFFICER VALKOSKY: Okay, so, in
8 this context then it would be acceptable under the
9 process, and again putting aside weight of
10 evidence and everything like that, don't even go
11 there, but it would be acceptable under our
12 process for -- be conceivable under our process
13 for the Commissioners to not accept staff's
14 recommendation, is that correct?

15 MR. REINOEHL: That's my understanding
16 of the process.

17 HEARING OFFICER VALKOSKY: Okay, thank
18 you.

19 PRESIDING MEMBER PERNELL: Mr. Reinoehl,
20 you indicated that you had some -- contacted some
21 moving companies that showed some interest, but
22 you haven't received any response yet?

23 MR. REINOEHL: That's correct.

24 PRESIDING MEMBER PERNELL: And also in
25 terms of relocating the buildings, there is no

1 known site, at least known site by you as to where
2 you would move them?

3 MR. REINOEHL: There is no place off of
4 the project area that anyone has said that they
5 would accept these buildings. It is not clear to
6 me that there is no place on the project site that
7 they could be.

8 PRESIDING MEMBER PERNELL: I'm sorry, I
9 didn't --

10 MR. REINOEHL: It's not clear to me from
11 all the testimony to date that all the areas
12 within the Potrero Power project site have been
13 eliminated from consideration for the moving of
14 these buildings.

15 PRESIDING MEMBER PERNELL: Is there a
16 recommended place on the site that you would put
17 the buildings? Judging from exhibit 46?

18 MR. REINOEHL: There are several places
19 that I would think could be considered. One is
20 where tank 4 is. Another --

21 PRESIDING MEMBER PERNELL: On tank 4, is
22 it your understanding that both buildings can sit
23 i'm that space?

24 MR. REINOEHL: It's not clear to me.
25 I'm not quite sure why, and I'm going just a

1 little bit astray here, but when they put the
2 building outline on tank 3, it wasn't clear to me
3 why they didn't come closer to the edge of their
4 property, and that would give me a better idea
5 whether it would fit the size the location of tank
6 4 is.

7 So, it's very close. I'm not sure how
8 close it is.

9 PRESIDING MEMBER PERNELL: Are there any
10 other?

11 MR. REINOEHL: There's an area east of
12 tank 3 where there are a number of buildings, I
13 don't know the functions of those buildings. But
14 there's additional area there.

15 I've not heard any discussion about why
16 that's acceptable or not acceptable.

17 PRESIDING MEMBER PERNELL: Okay. And
18 have you contacted the City of San Francisco about
19 possibly taking the buildings?

20 MR. REINOEHL: No, I have not contacted
21 the City of San Francisco.

22 PRESIDING MEMBER PERNELL: And -- I hate
23 to do this, but hypothetically if someone were to
24 give a landowner these buildings and say you can
25 have them, do you have any idea what it would take

1 to restore them and bring them up to earthquake
2 retrofit?

3 MR. REINOEHL: No, I do not.

4 PRESIDING MEMBER PERNELL: No estimate
5 whatsoever?

6 MR. REINOEHL: I wish I did, but I
7 don't. A lot of times when buildings are moved,
8 they're moved with the -- or sometimes they're
9 moved with the condition that the owner of them,
10 at this point, when they move them to a new
11 property, do the rehab work. And they're accepted
12 in rehabilitated condition.

13 There are different things that could be
14 worked out, and I don't know what the particulars
15 of that might be.

16 PRESIDING MEMBER PERNELL: All right, so
17 in the normal course of business if I had a
18 historical Victorian home and wanted to give it
19 away, I would have to move it to a site and rehab
20 it before I gave it away?

21 MR. REINOEHL: It would depend upon what
22 the agreement is between a new owner and the
23 existing owner, you know. It can be arranged in
24 different ways.

25 PRESIDING MEMBER PERNELL: All right.

1 Final question, I think, is you indicated, I
2 think, in your testimony that if those buildings
3 were -- I don't want to say demolished, but that
4 they would have an environmental impact? Is that
5 what you -- was that your statement?

6 MR. REINOEHL: Yes, that is my
7 statement. CEQA says that demolition impairs the
8 ability of that building to be eligible for the
9 Register any longer, and that is termed to be a
10 significant impact.

11 PRESIDING MEMBER PERNELL: That's
12 environmentally?

13 MR. REINOEHL: Yes.

14 PRESIDING MEMBER PERNELL: Okay, I guess
15 I'm not following that one. Why would they --
16 when I think of environment impact, I'm thinking
17 of, you know, air, water, maybe even visual. How
18 would it be an environmental impact?

19 MR. REINOEHL: The environment is
20 everything around us. It includes the historic
21 buildings, modern buildings, the air, the water,
22 animals, other people --

23 PRESIDING MEMBER PERNELL: So it would
24 have an impact on the surrounding buildings?

25 MR. REINOEHL: I would have an impact

1 because those buildings are completely removed
2 from existence. They will leave the environment.
3 That demolition is the significant impact.

4 PRESIDING MEMBER PERNELL: Okay. Mr.
5 Mason, your description of what the buildings were
6 used for and their connection together were
7 educational to me, anyway.

8 Are there any other buildings that have,
9 at least to your knowledge, that have that type of
10 technique or that used to do that particular
11 technique?

12 DR. MASON: That are still standing?

13 PRESIDING MEMBER PERNELL: Yes, that
14 are --

15 DR. MASON: I'm not an expert in
16 buildings in northern California, but I don't know
17 of any.

18 PRESIDING MEMBER PERNELL: Do you know
19 of any in California, period?

20 DR. MASON: No. But I'm not an expert,
21 and so I mean there may be and I, you know, I may
22 not know about it.

23 PRESIDING MEMBER PERNELL: So you didn't
24 do any research to see whether or not there were
25 any other existing meter house and compressor

1 house buildings?

2 DR. MASON: No.

3 PRESIDING MEMBER PERNELL: And in your
4 opinion what percentage of the -- in order to keep
5 the integrity of the building, what percentage
6 would have to stay intact?

7 DR. MASON: I'm not an architectural
8 historian, so, you know, I don't know about my
9 opinion on that. Most of the buildings, I think,
10 would have to stay intact, most of the structure.

11 PRESIDING MEMBER PERNELL: We talked
12 about station A and over 50 percent of the
13 building is no longer in existence. And because
14 of that it's not historically significant.

15 I'm just trying to find out is there a
16 percentage, at least in your mind, that would
17 indicate whether it's historically significant or
18 not.

19 DR. MASON: No, not specific percentage.

20 PRESIDING MEMBER PERNELL: And the way
21 in which you describe the two buildings working
22 together, if one of them is removed or if they're
23 separated would they still have the same
24 historical significance?

25 DR. MASON: It would diminish their

1 integrity of association and setting if they were
2 separated.

3 But, again, I'm not an architectural
4 historian; I don't know if that would, you know, I
5 wouldn't be able to give an opinion as to whether
6 that would make them no longer eligible.

7 MR. WESTERFIELD: Commissioner Pernell,
8 Gloria Scott is an expert in that area and she can
9 speak to that issue if you'd like.

10 PRESIDING MEMBER PERNELL: Okay. All
11 right, I'll hold that question. But my follow up
12 would be even if they were separated on the
13 existing site. So is that a question for Ms.
14 Scott, as well?

15 DR. MASON: Yes.

16 PRESIDING MEMBER PERNELL: Okay. That's
17 all I have. One way of getting out of answering
18 that.

19 (Laughter.)

20 MR. SMITH: I'm not sure who this
21 question is for. But in staff's testimony it's
22 stated that staff has ascertained that it's
23 feasible to move the buildings. Yet you haven't
24 received any bids, you don't have any sites,
25 haven't talked to movers who have actually viewed

1 the buildings or done an inspection of the
2 buildings.

3 How did you determine that it's
4 feasible? How did staff determine it's feasible
5 to move these buildings?

6 MR. REINOEHL: Could you tell me where
7 in the testimony that we said, so that I can see
8 what the statement was?

9 MR. SMITH: Page 5.4-23, middle of the
10 second paragraph.

11 MR. REINOEHL: Early on before the FSA
12 was written we talked briefly to a mover and
13 described some aspects of the meter house to them.
14 At that point we had not viewed the buildings yet.
15 And they said that depending upon the weight of
16 the buildings, that they -- that's generally a
17 bigger consideration than other things -- that
18 from the description we were able to provide them
19 at the time, that they felt that at least the
20 meter house could be moved.

21 Now, that was before we were fully aware
22 of the retaining wall. And we didn't have very
23 good descriptions of the buildings. So, it was
24 based on limited information, and providing
25 limited information to someone over the phone who

1 then said, yes, we think we could move a building
2 like that.

3 MR. SMITH: Do you still now, after
4 hearing the testimony today, believe that it's
5 feasible to move these buildings?

6 MR. REINOEHL: It sounds like the
7 compressor house, from everything everyone today
8 said, that it is possible to move that building.

9 Because I'm not a mover and I don't know
10 the technicalities of dealing with the retaining
11 wall and its association with the meter house, as
12 to how feasible that is.

13 Also, it's not clear to me that the
14 retaining wall is in any particular way an
15 attribute of that building.

16 So, it's unclear to me as to whether
17 that's feasible to move or not.

18 MR. SMITH: How does cost play a role in
19 determining feasibility?

20 MR. REINOEHL: Well, it would be weighed
21 in proportion to the project, itself.

22 MR. SMITH: The power plant project, or
23 when you say the project, itself.

24 MR. REINOEHL: I would think the power
25 plant project, yes. And I don't know how that is

1 weighed, personally.

2 Maybe a better choice of words would
3 have been that it's possible to move buildings, as
4 opposed to feasible.

5 PRESIDING MEMBER PERNELL: Would have
6 been what? Sorry, I --

7 MR. SMITH: Possible.

8 MR. REINOEHL: Possible to move
9 buildings, as opposed to feasible.

10 MR. SMITH: Staff's testimony, rather
11 the conditions of certification, paint a fairly
12 limited, very limited set of options for the
13 applicant.

14 MR. REINOEHL: Yes.

15 MR. SMITH: Yet that fairly limited
16 scenario of options, the only option you provided
17 the applicant is not based on cost, is not based
18 on firsthand viewing of the building, is not based
19 on talking to somebody who's had firsthand viewing
20 or inspected the building.

21 I'm trying to make the connection here,
22 because where would the limit be drawn? Where's
23 the limit of practicality in terms of rescuing a
24 building that is seemingly eligible for listing?
25 How do you balance that against the cost and

1 practicality of moving it?

2 MR. REINOEHL: I'm not sure I'm the best
3 person to answer that. And, granted, I wrote the
4 conditions. The conditions were written so that
5 there was a way to mitigate the impact to less
6 than significant.

7 And the only way that I saw to write the
8 conditions to lessen the impact to less than
9 significant was to write them the way they are,
10 that the buildings are moved.

11 I don't think it's up to me to make the
12 decision as to whether that's the final decision
13 that the Commission makes. That is an analysis to
14 mitigate impacts to less than significant. And I
15 think it's up to the Commission to look at the
16 evidence and make their decision in this case.

17 HEARING OFFICER VALKOSKY: Do you agree
18 with applicant's witness, I believe it was Mr.
19 Corbett, who indicated there was a significant
20 degree of subjectivity in assessing the
21 significance of an historical resource, or a
22 potential historical resource?

23 MR. REINOEHL: There is some
24 subjectivity, yes.

25 HEARING OFFICER VALKOSKY: Okay. And by

1 some subjectivity, what I'm getting at is there
2 some subjectivity that two reasonable people could
3 look at the same factors and come out with two
4 different answers?

5 MR. REINOEHL: I would say that yes,
6 it's possible. If someone looks at the
7 significance of a building and does sufficient
8 research to ascertain the significance, and then
9 specifically addresses each and every aspect of
10 integrity, and how much diminishment there is in
11 each aspect of integrity, that you're going to get
12 a fairly consistent decision on eligibility of a
13 resource.

14 HEARING OFFICER VALKOSKY: Okay, but
15 nonetheless there is enough subjectivity involved
16 that it would not necessarily be consistent?
17 Reasonable minds may differ is what I'm asking.

18 MR. REINOEHL: There could certainly be
19 a difference of opinion on it, yes.

20 HEARING OFFICER VALKOSKY: Okay.
21 Directing you to page 5.4-15 in your testimony,
22 the second paragraph, you indicate according to
23 Pier 70's structures constituted an historic
24 district, that has been evaluated as eligible by
25 the for the NRHP under criteria A, B and C. And

1 the results of this evaluation have not been
2 formally submitted to the Historic Resources
3 Commission for determination of eligibility for
4 the CRHR or to the SHPO for a determination of
5 eligibility for the NRHP.

6 What am I to derive from that statement?
7 As I see it, you're saying it's been evaluated but
8 it has not been submitted for a determination of
9 eligibility. Is there any meaning for that? You
10 know, you could imply that the evaluation wasn't
11 sufficient to support a determination of
12 eligibility. Or you could imply that they just
13 hadn't gotten around to doing it. Or you can
14 imply a number of things.

15 What I'm wondering is what you
16 specifically meant by that.

17 MR. REINOEHL: It really talks about
18 process. The information has not been provided,
19 is my understanding, to the Office of Historic
20 Preservation, and consequently it has not been
21 considered by them.

22 HEARING OFFICER VALKOSKY: Okay, and is
23 there any reason that hasn't been provided, to
24 your knowledge?

25 MR. REINOEHL: I do not know why it has

1 not been, you know, I don't know either way why
2 it's not been. It would be generally --
3 frequently it's the property owner that submits
4 things like this, especially when it's a public
5 agency. Although it doesn't have to be. Private
6 individuals can also do nominations for
7 eligibility to the National Register or the
8 California -- well, I better not say that about
9 the Cal Register, I'm not positive.

10 But under the National Register private
11 individuals can also submit nominations. And then
12 the SHPO would consider it.

13 HEARING OFFICER VALKOSKY: Okay, and in
14 this case it just hasn't been done for --

15 MR. REINOEHL: Apparently.

16 HEARING OFFICER VALKOSKY: -- whatever
17 reason? Okay.

18 PRESIDING MEMBER PERNELL: Is that
19 something that you, in the course of your work at
20 the Commission, is that something that you do?

21 MR. REINOEHL: No, it is not.
22 Nominations come on a specific document. And the
23 documents that we ask to be filled out are the
24 state record for the resource.

25 And along with that is generally a

1 narrative that explains significance of properties
2 in the evaluation. And so it's a different form
3 than would be submitted for a nomination to the
4 National Register. We would not submit these
5 forms.

6 HEARING OFFICER VALKOSKY: Mr. Carroll,
7 cross-examination.

8 MR. CARROLL: Thank you.

9 CROSS-EXAMINATION

10 BY MR. CARROLL:

11 Q Good evening, gentlemen. I think most
12 of my questions are probably directed to Mr.
13 Reinoehl, but responses from either you, as you
14 deem appropriate, would be appreciated.

15 I want to draw your attention to the
16 bottom of page 5.4-14 and the top of the next page
17 in the cultural resources section of the FSA.

18 As I read the two or three sentences
19 beginning with however at the bottom of page 5.4-
20 14 the conclusion that you had reached at the time
21 of writing the FSA was that the meter house and
22 the compressor house had maintained integrity of
23 location and association, but had essentially lost
24 most, if not all, their integrity with respect to
25 the other elements. Is that a fair reading of

1 your testimony at that time?

2 MR. REINOEHL: Could you repeat that? I
3 was looking at this while you were reading --

4 MR. CARROLL: Yeah, I'm sorry, I should
5 have given you a chance to read it first. Have
6 you read through those sentences now?

7 MR. REINOEHL: Briefly, yes.

8 MR. CARROLL: As I read your testimony
9 as presented in those sentences what you had
10 concluded at the time of the FSA was that the
11 meter house and the compressor house had retained
12 integrity of location and association, but had,
13 for the most part, lost integrity with respect to
14 the other elements.

15 MR. REINOEHL: Yes, I believe that is
16 the testimony in the FSA.

17 MR. CARROLL: Okay. And if I understand
18 your corrections on this particular issue
19 presented this evening, that in light of the
20 analysis prepared by Ms. Scott, you now believe
21 that they also maintain integrity of design and
22 materials?

23 MR. REINOEHL: Yes, that is correct.

24 MR. CARROLL: Could you explain to me
25 what parts of Ms. Scott's analysis, or what

1 information conveyed in her analysis caused you to
2 change your position as to this issue?

3 MR. REINOEHL: If you'll give me a
4 moment to look through these papers here and find
5 her analysis.

6 (Pause.)

7 MR. REINOEHL: In Ms. Scott's testimony
8 on page 3 of 7 there is analysis of issues, there
9 is a discussion of the various aspects of
10 integrity, location, setting, design, workmanship,
11 materials, feeling and association. And it was
12 from that discussion that I changed the testimony.

13 MR. CARROLL: Would you agree that the
14 primary aspects with which the buildings contain
15 integrity continue to be location and association?

16 MR. REINOEHL: Certainly its location is
17 important. That's one of the aspects of integrity
18 that is the most sound. The setting is certainly
19 compromised.

20 There is some of the aspect of design
21 that is still there. And in terms of the
22 workmanship that doesn't seem to be terribly
23 important to conveying its significance, which
24 seems to be an accurate assessment.

25 And the materials, the buildings appear

1 to still be the materials from which they were
2 constructed. And that retains a high degree of
3 integrity.

4 And the feeling, they still are in an
5 industrial area which gives the same feeling with
6 when they were constructed, as being a highly
7 developed industrial area.

8 And the association is somewhat
9 diminished because of the loss of the other
10 buildings.

11 Did that answer your question?

12 MR. CARROLL: I think so. What I gather
13 from what you just stated, and correct me if I'm
14 wrong, is the clearest call here, the easiest call
15 here is with respect to integrity of location?

16 MR. REINOEHL: It has a high degree of
17 integrity in terms of location. It also has some
18 other aspects of integrity that are still intact
19 to a great extent. So I'm not quite sure if I'm
20 answering your question or not, but there are some
21 aspects of integrity that are still quite sound.

22 MR. CARROLL: Moving to page 5.4-23, you
23 had indicated in the second paragraph staff's
24 preferred mitigation of the two onsite historic
25 buildings would be relocation to a nearby vacant

1 property, and rehabilitating them using the
2 Secretary of Interior's standards.

3 Would you please explain what you
4 understand would be involved in rehabilitating
5 these buildings to meet the Secretary of
6 Interior's standards?

7 MR. REINOEHL: Well, like Mr. Corbett,
8 I'm not an expert on the Secretary of Interior
9 standards. This is a fairly standard kind of
10 citation that's used in terms of rehabilitating a
11 building.

12 Again, the character-defining attributes
13 of the building would need to be maintained in any
14 work that's done on a building to bring it up to a
15 standard that is acceptable.

16 It usually involves like-kind materials.
17 That's one of the Secretary of Interior standards.
18 but I'm not familiar with all of them, so other
19 than that one statement, I'll --

20 MR. CARROLL: Do you have an opinion as
21 to whether or not it would be feasible to
22 rehabilitate these two particular structures to
23 meet the Secretary of Interior's standards?

24 MR. REINOEHL: It's possible. Feasible,
25 I don't have a full cost estimate of that, so I

1 don't think I can speak to feasibility at this
2 point.

3 MR. CARROLL: Okay, thank you. You go
4 on to state in that same paragraph, the next
5 sentence, that this mitigation would reduce the
6 impact to less than significant.

7 Could you explain to me in a little bit
8 more detail than appears there how you reached the
9 conclusion?

10 MR. REINOEHL: Demolition of a building
11 does remove it from the environment, which means
12 that there is a significant impact. And that
13 impact can't be mitigated to less than
14 significant, because it is removed from the
15 environment.

16 In moving the buildings, they're not
17 removed from the environment. And there are ways
18 in which buildings can be moved, and they retain
19 their significance, they remain in the
20 environment. And that would be a mitigation that
21 would lessen the impact to a less than
22 significant.

23 MR. CARROLL: With respect to these
24 particular buildings, though, I don't want to
25 speak in generic terms, but with respect to these

1 two particular buildings, given what has been said
2 about the importance of their location as an
3 element of their integrity, and given that
4 relocation obviously completely eliminates
5 integrity of location, is it still your opinion
6 that notwithstanding that factor that relocating
7 these buildings reduces the impact below a level
8 of significance?

9 MR. REINOEHL: That is my opinion, that
10 if they're moved that would reduce it to less than
11 significant, yes.

12 MR. CARROLL: And how do you square that
13 conclusion with the complete loss of integrity of
14 location? In your analysis how do you get over
15 the fact that they've completely lost integrity of
16 location?

17 MR. REINOEHL: You know, I have to go
18 back to what some of the things that are said in
19 CEQA, if that's all right.

20 CEQA says the significance of a
21 historical resource is materially impaired when a
22 project demolishes or materially alters in an
23 adverse manner those physical characteristics of a
24 resource that conveys historical significance, and
25 that justifies inclusion in or eligibility for

1 inclusion in the Cal Register.

2 Okay, so demolition would certainly do
3 that. Moving them would not necessarily
4 materially alter those buildings in a way that
5 their physical characteristics would be lost.

6 MR. CARROLL: Do you believe that the
7 buildings would continue to be eligible for the
8 California Register following relocation?

9 MR. REINOEHL: They would have to be
10 reevaluated after they were moved. I'm not
11 entirely sure that they would still be eligible.
12 That would be an impact if they're no longer
13 eligible. However, it would not be demolition.
14 And them not being eligible isn't called out in
15 CEQA as being a significant impact that is not
16 mitigatable.

17 HEARING OFFICER VALKOSKY: Excuse me,
18 Mr. Carroll. Isn't it also logical --

19 MR. WESTERFIELD: Mr. Reinoehl.

20 HEARING OFFICER VALKOSKY: I -- okay.
21 Mr. Reinoehl, isn't it also logical that if a
22 structure is not eligible for listing on the
23 California Register, that it is therefore not a
24 historic resource which warrants any
25 consideration.

1 MR. REINOEHL: It's possible, yes. It
2 would depend. You know, there are also local
3 ordinances that can designate things as historic.
4 And if the local ordinance meets certain
5 requirements --

6 HEARING OFFICER VALKOSKY: Certainly.

7 MR. REINOEHL: -- then it could be still
8 a historic resource.

9 HEARING OFFICER VALKOSKY: Certainly,
10 but I'm talking in the context under state law
11 barring any ordinances, any local ordinances which
12 may give it special protection.

13 Is it true that to be a historic
14 resource warranting consideration it has to be
15 eligible for listing or listed? Is that true?

16 MR. REINOEHL: I believe that's true.

17 HEARING OFFICER VALKOSKY: Okay, so that
18 if that same building were determined not to be
19 eligible for listing, and obviously not listed, it
20 would, by definition, not be an historic resource
21 worthy of consideration or warranting
22 consideration?

23 MR. REINOEHL: If there were another
24 project that would be proposed that could impact
25 that structure, and it were no longer a historical

1 resource, then it would not need to be considered.

2 HEARING OFFICER VALKOSKY: Okay, so does
3 that mean the answer to my question is yes?

4 MR. REINOEHL: Well, you know, for this
5 project we considered in the analysis as to
6 whether it's a historical resource, and then we
7 look at mitigation measures, to minimize the
8 impact to less than significant, if that's
9 possible or feasible.

10 And in this case it appears that there
11 may be a way that that can be done. And that is
12 the conditions that were --

13 HEARING OFFICER VALKOSKY: Sir, I
14 understand that. And, again, what I'm saying is
15 there's apparently a disagreement between you and
16 at least Mr. Corbett as to the impact of a change
17 in location on the meter house and the compressor
18 house. Okay.

19 Now, Mr. Corbett seems to be saying
20 that, yes, both of these buildings are
21 significant, or eligible -- let me put it this
22 way, eligible for listing. But that if you move
23 them to a place not historically used for gas
24 distribution and metering, that would dilute their
25 eligibility so that they would no longer -- or

1 that would dilute their character so that they
2 would no longer be eligible for listing. Okay.

3 You take a different position, as I
4 understand it, basically saying yes, that change
5 in location is okay. I understand that.

6 What I would like a direct yes or no to
7 is the question that I posed, and that is if the
8 structure is not eligible for listing, is it not
9 then, by definition, essentially just an old
10 structure with no historical resource value which
11 would warrant consideration under CEQA?

12 MR. REINOEHL: If it were no longer
13 eligible then it would not be considered a
14 historical resource.

15 HEARING OFFICER VALKOSKY: Thank you.

16 MR. CARROLL: Mr. Reinoehl, I want to
17 explore a little bit more the distinctions between
18 your opinions as to relocation and Mr. Corbett's
19 opinions as to relocation.

20 I think Mr. Valkosky correctly
21 characterized just a moment ago Mr. Corbett's
22 opinion, which was essentially that any relocation
23 of the buildings outside the historic gas
24 manufacturing parcel would so diminish their
25 integrity that they would not be eligible.

1 What I think I heard you say prior to
2 the questioning by Mr. Valkosky, was that you
3 weren't sure. That they would have to be
4 reevaluated post relocation?

5 MR. REINOEHL: Yes, that is what I said.
6 And there are special considerations for moved
7 buildings. And those state that the State
8 Historic Resources Commission encourages the
9 retention of historical resources onsite, and
10 discourages the nonhistoric grouping of historic
11 buildings.

12 However, it's recognized that moving
13 buildings is sometimes necessary to prevent its
14 destruction. Therefore moved buildings otherwise
15 a moved building that is otherwise eligible may be
16 listed in the Cal Register if it was moved to
17 prevent its demolition at its former location, and
18 if the new location is compatible with the
19 original character and use of the historical
20 resource.

21 Now, I believe that if it's still within
22 a historic area, a historic industrial area, much
23 like where it is now, and that would be in fairly
24 close proximity, that that fits the special
25 consideration, and would still be a historic

1 resource.

2 MR. CARROLL: Okay, so your opinion is
3 that it may or may not continue to be eligible;
4 that's a matter that would have to be determined
5 post relocation?

6 MR. REINOEHL: It's always best to do
7 a -- to prepare a nomination after they're moved.
8 Part of that is because there are advantages for
9 funding and tax credits.

10 Using the special considerations it
11 would appear that this would still be a historical
12 resource. It's best to have it evaluated and have
13 a formal determination by the legal entities, the
14 State Historic Resources Commission for the Cal
15 Register or the State Office of Historic
16 Preservation or the SHPO for the National
17 Register.

18 MR. CARROLL: Okay, setting aside
19 whether or not it would be eligible for National
20 Register or it could be listed on the National
21 Register, I'm just talking about in terms of
22 analysis of its eligibility.

23 Do you believe that that analysis and
24 the conclusion as to its continuing eligibility
25 could only be conducted after the relocation, or

1 could it be conducted prior to the relocation?

2 MR. REINOEHL: I don't think, and this
3 is I'm guessing somewhat at this because I don't
4 know that the State Historic Resources Commission
5 has ever considered the eligibility of a building
6 prior to it being moved or not. Certainly there
7 are a lot of architectural historians that could
8 provide their expert opinions on this eligibility
9 hypothetically it being moved.

10 I don't believe that the -- and this is
11 my own belief, I don't know for sure, I've never
12 asked them -- but the State Historic Resources
13 Commission, I don't think they would consider the
14 eligibility in a hypothetical situation.

15 MR. CARROLL: Would you agree that an
16 action that eliminates the eligibility of a
17 resource that was eligible prior to that action
18 being taken results in a significant impact?

19 Let me -- I didn't phrase the question
20 very well. Assume that you have an eligible
21 resource and action is taken that prevents that
22 resource from continuing to be eligible. Do you
23 view that as a significant impact under CEQA?

24 MR. REINOEHL: Well, let's see, it says
25 a substantial adverse change in the significance

1 of a historical resource such that the
2 significance of the resource would be materially
3 impaired. That that is that substantial adverse
4 change may have a significant effect on the
5 environment.

6 MR. CARROLL: I'm not sure I understood
7 the answer. Let me put the question a different
8 way.

9 A resource that's eligible for the
10 California Register is considered an historic
11 resource under CEQA, would you agree with that?

12 MR. REINOEHL: Yes.

13 MR. CARROLL: A resource that is not
14 eligible for the California Register is not
15 considered an historical resource under CEQA,
16 would you agree with that, as well?

17 MR. REINOEHL: Yes.

18 MR. CARROLL: Okay. Would you, with any
19 maps that you may have or that have been
20 distributed over the course of the day today,
21 identify the PG&E parcel that you contacted them
22 about?

23 MR. REINOEHL: On the aerial photo that
24 was passed out earlier today referred to as new
25 figure 8.3-1B, was part of three. The PG&E

1 property is to the left of 22nd Street, and it
2 appears to be vacant lot with just open ground,
3 exposed ground. No paving.

4 MR. CARROLL: And were you able to
5 ascertain any information as to PG&E's future
6 plans for that site?

7 DR. MASON: I'm the one who spoke to the
8 PG&E planner. She's indicated, you know, a
9 general interest or a possibility of moving the
10 buildings there, but that she would have to take
11 it up with many other decision makers in PG&E to
12 ascertain if they have plans to use those parcels.

13 HEARING OFFICER VALKOSKY: Sorry. When
14 did you make this inquiry of PG&E?

15 DR. MASON: I called earlier last week,
16 and she didn't call back until Friday, last
17 Friday.

18 HEARING OFFICER VALKOSKY: Okay, thank
19 you.

20 MR. CARROLL: You were both here in the
21 room when Mr. Stone testified as to the
22 constraints that he saw with respect to the two
23 locations that he identified for potential onsite
24 relocation. One being what we've sort of
25 generally been referring to as the middle of the

1 site here east of unit 3. And the other being
2 over the tank.

3 Let's take number 3. Do you have any
4 basis to disagree with the constraints Mr. Stone
5 identified? And by those I mean their appearance
6 with existing buildings, issues related to
7 underground utilities and above-ground utilities?
8 I pose that question to either of you.

9 MR. REINOEHL: For the utilities I have
10 no information other than what he's provided. And
11 I don't have any reason to question what he stated
12 about that.

13 Obviously there are some other buildings
14 and structures in this area. And certainly if the
15 buildings were to be moved to these locations and
16 re-used for compatible uses, it would take some
17 time to do that.

18 Some of the uses that are currently in
19 structures it may be possible to house those
20 inside the historic buildings.

21 MR. CARROLL: Have you undertaken any
22 analysis, independent analysis of feasibility of
23 relocating the meter house and the compressor
24 house on the Potrero Power Plant site?

25 MR. REINOEHL: As I stated, we had

1 called some movers, trying to find out whether
2 it's possible to move these, and what the costs
3 associated with that would be.

4 I've been looking at the possibility.

5 MR. CARROLL: Let me be a little more
6 specific about my question. I assume that those
7 questions related to the ability to pick them up
8 and move them somewhere, but you weren't able to
9 identify where the somewhere might be, is that
10 correct?

11 MR. REINOEHL: That's correct.

12 MR. CARROLL: And so the entities, the
13 movers that you talked to really didn't have --
14 let me rephrase it -- did they have any specific
15 information about the location to which the
16 buildings would be moved?

17 MR. REINOEHL: No, they couldn't.

18 MR. CARROLL: Did you identify the
19 offsite PG&E property to the movers as a potential
20 location?

21 MR. REINOEHL: At this point I described
22 the buildings to them, and provided some photos.
23 And asked them if they believed the buildings
24 could be moved, and what potential costs might be.

25 I did not ask anything beyond that about

1 specifics of where to move it because it was
2 unclear yet as to where they would be moved to or
3 could be moved to.

4 We did find out recently that some of
5 these tanks may be abandoned, which made other
6 possibilities available for consideration. So,
7 you know, at this point it's difficult for me to
8 tell somebody to give me a price on a specific
9 spot to move things.

10 I could ask them some locations.

11 MR. CARROLL: In your prepared testimony
12 again and oral testimony today, and I apologize, I
13 can't remember which of you it was that made the
14 suggestion. There was a suggestion that, for lack
15 of a better way to put this, that there might be
16 an ability to get a break on seismic upgrades
17 because these are historic resources.

18 And the suggestion that there was some
19 interplay between health and safety regulations
20 such as seismic regulations and historic resource
21 regulations. Does that -- am I correct that I
22 heard something to that effect?

23 MR. REINOEHL: There is a historic
24 building code that's applicable to buildings that
25 are determined to be historic resources that

1 allows flexibility in the way the codes are
2 applied. I believe that's a fair
3 characterization. It may not be a hundred percent
4 accurate.

5 MR. CARROLL: Okay.

6 PRESIDING MEMBER PERNELL: Well, there's
7 some mention of tax credit for historical
8 buildings?

9 MR. REINOEHL: Yes. That's part of
10 Gloria Scott's testimony. And there are tax
11 credits available for historical resources that
12 are being, I believe, for rehabilitation.
13 Gloria's gone. She could answer that question
14 much better than I can.

15 MR. WESTERFIELD: And she is planning to
16 address that question in her testimony.

17 PRESIDING MEMBER PERNELL: Okay.

18 MR. CARROLL: Just returning to the
19 point of my previous question, do you have any
20 information that compliance with San Francisco's
21 unreinforced masonry building code provides
22 special considerations for historic resources?

23 MR. REINOEHL: I spoke with, and I don't
24 remember the gentleman's name, my apologies for
25 that, I spoke to somebody, I believe it was with

1 the building office of San Francisco about the
2 process that's used when demolition permits are
3 applied for under the unreinforced building
4 ordinance.

5 And it was a process question. I didn't
6 ask if there might be other consideration for
7 historic buildings. The way in which the process
8 works there is consideration, I believe, given to
9 historic resources. And it's reviewed differently
10 than those that are not historic resources.

11 MR. CARROLL: Thank you. I have no
12 further questions at this time.

13 HEARING OFFICER VALKOSKY: Just a couple
14 points of clarification. Is it your testimony
15 that the historic building code would, in fact,
16 apply to the relocation of the meter and
17 compressor houses, or don't you know for sure?

18 MR. REINOEHL: It's my understanding
19 that it would.

20 HEARING OFFICER VALKOSKY: Okay. Were
21 you here earlier for Mr. Stone's testimony about
22 the potential use of the number 4 tank and the
23 difficulties incurred in relocating the meter and
24 compressor house on the site in terms of
25 underground utilities and remediation, to name

1 just a couple?

2 MR. REINOEHL: I was here during his
3 testimony about that, yes.

4 HEARING OFFICER VALKOSKY: Have you
5 performed any analyses or do you have any
6 information which would contradict directly the
7 testimony of Mr. Stone?

8 MR. REINOEHL: I do not have any
9 information that would contradict that, no.

10 HEARING OFFICER VALKOSKY: Thank you.
11 Ms. Minor.

12 MS. MINOR: Thank you.

13 CROSS-EXAMINATION

14 BY MS. MINOR:

15 Q Gentlemen, thank you for hanging in here
16 with us tonight. I will make this very quick.

17 And I think I'll try not to call names
18 and that way whichever you feel most qualified can
19 answer the question. That's a fair deal.

20 Can you tell us if you are aware of any
21 proceedings, cases before the Energy Commission
22 wherein at the site of the proposed power plant
23 were potential historic resources that were
24 impacted by the proposed project?

25 MR. REINOEHL: Other cases where

1 historical resources are impacted by the project?

2 MS. MINOR: Right. Yes, that's my
3 question.

4 MR. REINOEHL: Yes, I am aware of
5 others.

6 MS. MINOR: Can you tell us what they
7 are?

8 MR. REINOEHL: There are several that I
9 can think of offhand. Otay Mesa Power project is
10 having the impact on numerous archeological sites
11 that were determined to be historical resources.

12 Blythe Energy project, which has an
13 amendment where there is a resource that is being
14 considered as eligible for the California
15 Register. And they are fencing that. It's an
16 archeological site. They're fencing the site and
17 avoiding it.

18 Another one is Morro Bay Power Plant.
19 And they're demolishing an existing power plant
20 that's eligible for the California Register.

21 MS. MINOR: The power plant is eligible?

22 MR. REINOEHL: Yes, ma'am.

23 HEARING OFFICER VALKOSKY: Although in
24 the case of Morro Bay, isn't that just a proposal,
25 since that case is still ongoing at the time?

1 MR. REINOEHL: That's correct.

2 MS. MINOR: In the -- now the Otay Mesa
3 and the Blythe Energy project cases have been
4 decided, is that correct?

5 MR. REINOEHL: Otay Mesa has been
6 permitted. Blythe Energy has been permitted. I
7 do not know if there's been an action on the
8 amendment to date.

9 MS. MINOR: My question, my follow-up
10 question is whether you are aware of any case
11 where the Energy Commission has rejected a CEC
12 Staff finding that a resource was historic?

13 MR. REINOEHL: I've only been with the
14 Commission for two years. During that period of
15 time I do not know of a case that's been decided
16 where the Commission has not accepted the
17 recommendations of staff.

18 And that isn't complete knowledge. I
19 don't follow every case.

20 MS. MINOR: And your testimony is you
21 know of no situation where the Commission has
22 rejected the recommendation of staff in the area
23 of cultural resources?

24 MR. REINOEHL: Yes.

25 MS. MINOR: Okay. In this case has

1 there been consultation with the State Historic
2 Preservation Office?

3 MR. REINOEHL: Consultation with the
4 State Historic Preservation Office is what occurs
5 between a federal agency and the State Historic
6 Preservation Officer. As far as -- I have no idea
7 at this point if the Corps of Engineers has
8 initiated consultation.

9 MS. MINOR: Is there a state agency that
10 is available for the CEC Staff or staff
11 consultants to consult with on questions related
12 to historic resources?

13 MR. REINOEHL: Yes. We have, in the
14 past, asked for review of projects with the staff
15 from Caltrans, the California Department of
16 Transportation.

17 MS. MINOR: And so there are other cases
18 where Caltrans has consulted with the CEC Staff?

19 MR. REINOEHL: Yes.

20 MS. MINOR: Can you give us some
21 examples of such cases?

22 MR. REINOEHL: Morro Bay was one of
23 them. Contra Costa was another one. And this
24 project. I don't remember of others.

25 MS. MINOR: Thank you. Did you

1 personally conduct something like a windshield
2 survey of the historic resources at the Potrero
3 site?

4 MR. REINOEHL: I've gone to the site and
5 looked at the buildings.

6 MS. MINOR: When did you do that?

7 MR. REINOEHL: The visit to the site to
8 look specifically at the buildings was last week.
9 Previous to that, as the case was ongoing, I did
10 drive around the site and look at the buildings as
11 best as possible from the existing streets.

12 MS. MINOR: Did you visit the site and
13 look at the buildings prior to finalizing the
14 cultural resources section of the FSA?

15 MR. REINOEHL: No, did not go
16 specifically to look onsite at those resources.

17 MS. MINOR: When you did visit the site
18 and look at the resources, did you have access to
19 the actual site, or were you on the perimeters and
20 public streets?

21 MR. REINOEHL: We were on the site.

22 MS. MINOR: Okay. If station A is
23 demolished, are you aware of whether there will
24 remain any comparably sized steam generation
25 facilities that predate the 1906 earthquake in

1 California?

2 MR. REINOEHL: No, I don't know of any.
3 That is not my area of expertise.

4 MS. MINOR: If, in fact, there are no
5 other comparably sized steam generation facilities
6 that predate the 1906 earthquake, would that
7 change your opinion as to the significance of
8 station A?

9 MR. REINOEHL: It's these kinds of
10 points that we ask for consultation with experts,
11 and that's when we go to Caltrans and ask them if
12 they can provide us with opinions.

13 MS. MINOR: Did you specifically ask
14 this question of Caltrans?

15 MR. REINOEHL: No, I did not ask that
16 specific question.

17 MS. MINOR: Did the staff make an
18 independent evaluation of whether station A is
19 eligible for registration?

20 MR. REINOEHL: We reviewed the existing
21 information that was provided to us. It was done
22 by professionals that meet the Secretary of
23 Interior's standards. And it was done in a manner
24 that is consistent with guidelines and
25 professional practices. And we agreed with their

1 conclusion.

2 MS. MINOR: Have you since reviewed the
3 testimony filed by witnesses for the City and
4 County of San Francisco?

5 MR. REINOEHL: Yes, I have.

6 MS. MINOR: Based upon additional
7 information provided in that testimony, is there a
8 basis for you to reconsider your opinion with
9 respect to station A?

10 MR. REINOEHL: No, I do not believe they
11 provided information that would warrant a
12 reconsideration of station A.

13 MS. MINOR: What factors would you look
14 for in making an independent assessment as to
15 whether station A is significant?

16 MR. REINOEHL: The information that was
17 provided about station A, if I remember it
18 accurately, and I may not, it's been quite some
19 time since I reviewed that specific part of the
20 documentation, I believe they said that it was
21 significant and it lacked integrity. And that is
22 what we agreed with.

23 DR. MASON: That's correct.

24 MS. MINOR: Okay. Now, my question was
25 referring to the testimony of my witnesses for the

1 City and County of San Francisco. So that would
2 be the testimony of Dr. Groth, Chris Ver Planck
3 and Charles Chase.

4 MR. REINOEHL: Okay.

5 MS. MINOR: Did you have an opportunity
6 to review that testimony?

7 MR. REINOEHL: I did look at those.

8 MS. MINOR: Based upon your review of
9 the testimony of Dr. Groth, Christopher Ver Planck
10 and Charles Chase, did that provide a basis for
11 you to reassess your opinion that station A was
12 not significant because it lacked integrity?

13 MR. REINOEHL: There was not sufficient
14 information presented in their testimony to make
15 me reconsider the eligibility of station A.

16 MS. MINOR: Are you familiar with other
17 buildings or sites in California that are on the
18 California Register, but 50 percent or more of the
19 site no longer exists?

20 MR. REINOEHL: I have not seen a list of
21 properties that are considered eligible for the
22 California Register. So I don't believe I can
23 answer that question.

24 MS. MINOR: So you personally are not
25 familiar with any site that is on the Register

1 that where more than 50 percent of the building is
2 no longer intact?

3 MR. REINOEHL: The built environment is
4 not my expertise. I don't tend to search out that
5 kind of information. That's when I ask other
6 specialists for their opinions.

7 MS. MINOR: In the event that a suitable
8 vacant parcel is not found to relocate the meter
9 house and the compressor house, can you summarize
10 the staff's recommendations?

11 MR. REINOEHL: If there is no feasible?

12 MS. MINOR: Right.

13 MR. REINOEHL: The mitigation at that
14 point would be recording the resources; building a
15 kiosk that would interpret the history; providing
16 a public oriented document that's available to
17 public schools and public libraries; and providing
18 the HABS/HAER recordation to I believe it was the
19 state library and -- or, no, it was the San
20 Francisco Library -- I've forgotten in the
21 condition what it is -- if you'll allow me just a
22 moment.

23 (Pause.)

24 MR. REINOEHL: The HABS/HAER
25 documentation would be provided to the San

1 Francisco Public Library and the California
2 Historical Society.

3 MS. MINOR: Is it your opinion that
4 these mitigations reduced the impact below
5 significance?

6 MR. REINOEHL: No, they would not.

7 MS. MINOR: You testified that you had
8 contacted the San Francisco Port to ascertain its
9 interest in providing vacant lots for the
10 relocation of the meter house and compressor
11 house. And you further indicated that a question
12 was posed as to whether you had contacted the City
13 and County of San Francisco, and you responded no
14 to that question.

15 Are there other departments or agencies
16 in the City and County that you anticipate
17 contacting?

18 MR. REINOEHL: I was looking for
19 landowners in the vicinity. And the ones that
20 were in the records that as best I could determine
21 were the City, and there's a couple of parcels
22 that are currently in use.

23 There's the Port property and I did not
24 find any other property immediately adjacent to or
25 in close proximity that were owned by the City or

1 one of its departments.

2 MS. MINOR: And you're aware that the
3 San Francisco Port is a department of the City and
4 County of San Francisco?

5 MR. REINOEHL: Yes.

6 MS. MINOR: Okay. As I understand your
7 testimony, after these buildings are moved, then
8 an assessment has to be made as to whether they
9 are still eligible, is that correct?

10 MR. REINOEHL: If the landowner is
11 wanting to take advantage of tax credits and other
12 possible mechanisms to defray some of their
13 expenses, yes.

14 MS. MINOR: I am trying to understand, I
15 think it's the economics of a property owner
16 saying I'm interested in these buildings. If, at
17 the time the property owner accepts the building,
18 it is not clear whether the buildings are
19 eligible, and also not clear whether or not the
20 State historic building code is going to apply,
21 what incentives are involved for a property owner
22 to express interest in these buildings?

23 MR. REINOEHL: If the buildings are
24 determined to be eligible for the Cal Register
25 then the historic building code applies. I want

1 to make that clear because it didn't sound like
2 that's exactly what you were saying.

3 MS. MINOR: So the historic building
4 code would apply even during this period in
5 transit?

6 MR. REINOEHL: I think if I answered
7 that it would be again something that's out of my
8 area of expertise. And so I would defer to our
9 architectural historian.

10 MS. MINOR: Is that Ms. Scott?

11 MR. REINOEHL: Yes.

12 MS. MINOR: But are you going -- do you
13 have opinions or information about what economic
14 incentives may exist for a private property owner
15 to be interested in these two buildings, the meter
16 house and the compressor house?

17 MR. REINOEHL: There are tax incentives.
18 I'm not sure what all incentives there are.
19 Again, architectural history is not my expertise,
20 so I don't look for all of those incentives.

21 There's certainly some economic ones.
22 In this particular case, if PG&E expressed an
23 interest, I would think that some of their
24 interest is the fact that these were PG&E
25 buildings with important history.

1 MS. MINOR: But actually PG&E is in
2 bankruptcy at this point, correct?

3 MR. REINOEHL: I understand that's the
4 case.

5 MS. MINOR: Do you know whether the
6 economic or tax incentives that exist would
7 continue to exist if after relocation there was a
8 determination that the buildings had lost their
9 eligibility for registration?

10 MR. REINOEHL: I think that would be
11 very conjectural on my part, I don't know.

12 MS. MINOR: Okay. We discussed earlier
13 whether Mirant's witnesses discussed whether the
14 compressor house and meter house are also eligible
15 for registration under criterion 3, architecture.
16 Do you have an opinion as to whether the
17 compressor house and meter house are eligible
18 under criterion 3?

19 MR. REINOEHL: No, I don't have an
20 opinion on that.

21 MS. MINOR: I don't have your r, sum
22 with me, and I know I do have it; it's not a
23 question of not having it. Remind me of your
24 technical expertise. You've said several times
25 I'm not an architectural historian.

1 MR. REINOEHL: Right. My main expertise
2 is in the field of archeology.

3 MS. MINOR: I don't have any further
4 questions, thank you.

5 HEARING OFFICER VALKOSKY: Mr. Boss.

6 MR. BOSS: Yes. Several questions to
7 both Mr. Mason and Mr. Reinoehl.

8 CROSS-EXAMINATION

9 BY MR. BOSS:

10 Q How many siting cases have you worked on
11 that have included historically significant
12 buildings, other than the Morro Bay Power Plant,
13 itself?

14 MR. REINOEHL: Just without going
15 through the whole list of the ones that I've
16 worked on, the one at Contra Costa and there was a
17 project that was proposed near Colusa that
18 involved some built environment resources. But
19 that project was suspended, I believe.

20 HEARING OFFICER VALKOSKY: That project
21 has been withdrawn by the applicant.

22 MR. REINOEHL: Thank you for the
23 correction.

24 MR. BOSS: Now, Mr. Mason?

25 DR. MASON: I haven't worked on any

1 where, other than this one, where historic
2 structures would be demolished, where the impacts
3 is demolished, to be demolished.

4 MR. BOSS: There has been, I haven't
5 quite picked up a definitive answer, but there
6 seems to be some criteria that if less than 50
7 percent of a building or resource is demolished,
8 if less than 50 percent is gone, worn out, burned
9 down, whatever, that at that point would you
10 consider a building to be historically significant
11 if it met the rest of the criteria, other than
12 half of it was -- less than half of it was
13 missing?

14 MR. REINOEHL: In most cases a building
15 that has had that significant of an impairment and
16 loss of character-defining attributes, it would
17 not be eligible.

18 MR. BOSS: Okay. How about a group of
19 buildings, a setting of buildings where some still
20 exist and some are gone? I'll give you a local
21 example, the Palace of Fine Arts, down there at
22 the Marina. Would you consider that historically
23 significant, even though it represents probably 20
24 percent of the original structure?

25 MR. REINOEHL: I'm not that familiar

1 with why that property would be significant, nor
2 what the character-defining attributes are, nor
3 how much of it really exists and how much of that
4 is character-defining attributes.

5 So, I'm not able to comment on that.

6 MR. BOSS: Okay. Mr. Mason?

7 DR. MASON: The same. I don't even know
8 what the building is.

9 MR. BOSS: No comment. All right.
10 That's great.

11 Have any of the cases that you've worked
12 on required demolition of an historic structure?
13 You indicated Contra Costa did?

14 MR. REINOEHL: No, I did not indicate
15 that. There were historic structures involved in
16 the analysis of the impacts.

17 MR. BOSS: Okay, --

18 MR. REINOEHL: There were no historic
19 ones being --

20 MR. BOSS: Yeah, like the Duck Club, or
21 whatever that was -- the Yacht Club, I think up
22 there, or something like that?

23 MR. REINOEHL: Yes, it was not being
24 demolished.

25 MR. BOSS: Right, and it wasn't part of

1 the project. It was just impacted. It was
2 adjacent to it?

3 MR. REINOEHL: Yes. I was trying to
4 remember what the assessment was, as to whether
5 there was an impact to that building or not.

6 MR. BOSS: All right.

7 MR. REINOEHL: It's certainly adjacent.

8 MR. BOSS: Right. And in that case
9 planting some trees took care of the problem. So
10 my question, again, would be are there any siting
11 cases that you've worked on that there were --
12 other than Morro Bay with the power plant --
13 historic structures or resources, other than
14 archeological, I'm talking about man-built,
15 modern-time buildings involved?

16 MR. REINOEHL: Well, when you say
17 involved, yes. Contra Costa was just --

18 MR. BOSS: On the property.

19 MR. REINOEHL: On the property?

20 MR. BOSS: Right. Within the boundaries
21 of the project.

22 MR. REINOEHL: None come to mind.

23 MR. BOSS: Mr. Mason?

24 DR. MASON: No, I haven't worked on any
25 siting cases where a structure, a historic

1 structure was to be demolished on the power plant
2 property, other than this one.

3 MR. BOSS: I'm starting to understand
4 why this was a difficult one. Kind of virgin
5 territory.

6 You indicated that if that office
7 building was built with reinforced concrete that
8 it would be very significant, in your opinion.

9 MR. REINOEHL: Yes, that is a very early
10 period for reinforced masonry, reinforced
11 concrete. If it were built out of reinforced
12 concrete, it being such an early example of that,
13 and one that has obviously withstood two
14 earthquakes, which is what reinforcing is for. It
15 would be significant.

16 MR. BOSS: Okay. Assuming that that
17 building, which could have been -- it's been
18 labeled a tool room; it's been a laboratory; it's
19 been an office over its history -- but assuming
20 that that building is reinforced concrete, it
21 shares a common wall with the station A, which was
22 built three or four years prior to that.

23 Would you consider that to be a
24 compromise to the building, or would you consider
25 that to still be a worthy building of historic

1 value?

2 MR. WESTERFIELD: Well, I'm going to
3 object to that question. Are you telling us to
4 assume that they share a common wall? Or are you
5 testifying that they do share a common wall?

6 MR. BOSS: Well, I mean I'm not here to
7 testify. That's why I use the word assuming.

8 MR. WESTERFIELD: Okay, so --

9 MR. BOSS: Okay, if you want to, off the
10 record or on the record, yes, it does share a
11 common wall. It was stapled on with large steel
12 connectors, and --

13 HEARING OFFICER VALKOSKY: Well,
14 that's --

15 MR. BOSS: -- it's a reinforced --

16 HEARING OFFICER VALKOSKY: Sir, that's
17 testimony --

18 MR. BOSS: -- building.

19 HEARING OFFICER VALKOSKY: You can't do
20 that right now. Let's just --

21 MR. BOSS: Okay, well, I --

22 HEARING OFFICER VALKOSKY: -- say you
23 assume that they share a common wall.

24 MR. BOSS: Okay, that's how I started
25 out. Sorry.

1 Assuming that they do share a common
2 wall, would that compromise that building
3 historically? Or would it still be considered a
4 pretty -- historic structure?

5 MR. REINOEHL: As best I remember, and
6 I'm having some trouble answering your question
7 because I had remembered that the record said that
8 this building was built prior to the 1906 quake,
9 and you're saying that this was attached to
10 station A several years later. And I believe
11 station A was built in 1905 --

12 DR. MASON: 1901.

13 MR. REINOEHL: Okay, so we're still
14 prior to the quake, okay.

15 DR. MASON: Yeah.

16 MR. BOSS: It was prior, for sure.

17 MR. REINOEHL: You know, that's the
18 point at which I would consult with an expert, an
19 architectural historian.

20 MR. BOSS: Do you have the same opinion?

21 DR. MASON: Same thing. I'm not an
22 architectural historian, either.

23 MR. BOSS: And last, but not least,
24 there has been a lot of conversation about where
25 can you move the buildings to. Do I have

1 permission to walk down here? I don't know the
2 procedure that well.

3 HEARING OFFICER VALKOSKY: Sir, while
4 you're asking the witness to look at exhibit 46,
5 that's the aerial view?

6 MR. WESTERFIELD: The witness does have
7 a copy of that exhibit.

8 HEARING OFFICER VALKOSKY: Yeah, the
9 witness has a copy, so just describe --

10 MR. BOSS: All right, I used a little
11 Post-It to make it easier.

12 MR. REINOEHL: Okay.

13 HEARING OFFICER VALKOSKY: Well, except
14 you've got to describe for the record what we're
15 looking at.

16 MR. BOSS: Okay. What we're looking at
17 is exhibit 46; and I made a little paper model of
18 the outline of the meter house and compressor
19 building. And I've put it just west of tank
20 number 4, directly due north of the current
21 position of the meter house and the compressor
22 room.

23 It's within the boundaries that are
24 marked on exhibit 46 that theoretically are the
25 boundaries of the power plant. However, --

1 MR. CARROLL: I'd have to object to that
2 assumption. The witness that introduced this
3 exhibit made it clear that those boundaries are of
4 the power plant as it existed under PG&E
5 ownership. But Mirant does not retain all of that
6 property under its current ownership.

7 MR. BOSS: Correct. That's where I was
8 going. That particular piece where I put the
9 model of the building is actually owned by PG&E.

10 Did you inquire whether or not PG&E
11 would be interested in moving the buildings to
12 that site, which is as close as you could get?

13 DR. MASON: That was one of three
14 potential parcels I suggested to the PG&E planner
15 that I talked to. And, as I said, they're going
16 to ask their decision makers, you know, if they
17 have any interest or objection to all three of
18 those parcels. This one, and the two on the other
19 side of 22nd.

20 MR. BOSS: In your testimony then you
21 did indicate that particular site was one of those
22 you talked to PG&E?

23 DR. MASON: Yes. It was one that I
24 suggested to PG&E.

25 HEARING OFFICER VALKOSKY: Okay, could I

1 clarify --

2 MR. BOSS: Okay, thank you.

3 HEARING OFFICER VALKOSKY: -- this for a
4 second, Mr. Mason. Now, I heard earlier testimony
5 that PG&E property on the west -- actually, no, on
6 the north side of 22nd Street was examined. Was
7 that correct?

8 DR. MASON: It was -- there are two
9 parcels there that are vacant that I suggested to
10 PG&E --

11 HEARING OFFICER VALKOSKY: That, I'm
12 sorry, wasn't examined, that inquiries were made
13 of PG&E?

14 DR. MASON: Right.

15 HEARING OFFICER VALKOSKY: Okay. Now
16 the parcel that we're talking about right now, to
17 my understanding, is not north of --

18 DR. MASON: Right, it's on the south
19 side of --

20 HEARING OFFICER VALKOSKY: -- 22nd --

21 DR. MASON: -- 22nd. And I also --

22 HEARING OFFICER VALKOSKY: Okay, or
23 north of Humboldt.

24 DR. MASON: I also mentioned that one to
25 them, but I said I understood that most of that

1 parcel was planned to be used for expansion of
2 PG&E's substation. And she said she would look
3 into it, but that' seemed less likely because of
4 the substation use.

5 HEARING OFFICER VALKOSKY: Okay. And
6 are you aware of the recently filed switchyard
7 amendment, which I'm not sure if it affects this
8 or not.

9 DR. MASON: No, I'm not.

10 HEARING OFFICER VALKOSKY: Okay. Mr.
11 Carroll, do you have any information whether that
12 affects this or not? This parcel.

13 MR. CARROLL: The switchyard amendment
14 would not affect this parcel, but --

15 HEARING OFFICER VALKOSKY: Okay.

16 MR. CARROLL: -- the expansion of the
17 substation would affect this parcel.

18 HEARING OFFICER VALKOSKY: Okay, thank
19 you for that clarification.

20 MR. BOSS: Are --

21 HEARING OFFICER VALKOSKY: Just real
22 quick, a couple of questions. Again, assume that
23 we can't leave the meter and compressor house
24 where they are.

25 Under that circumstance am I to

1 understand that it is your opinion that it is only
2 relocation or adaptive onsite use, which would
3 reduce impacts to those structures to below a
4 level of significance?

5 MR. REINOEHL: Yes.

6 HEARING OFFICER VALKOSKY: Okay. Is
7 your opinion still the same if both relocation and
8 adaptive onsite use are determined to be
9 infeasible?

10 MR. REINOEHL: I would have to look
11 specifically at the language in CEQA and examine
12 exactly what it says to be able to answer that. I
13 don't remember exactly where and how they used the
14 term feasibility in assessing impacts.

15 So, without -- and I did not bring my
16 copy of CEQA along with me, I'm sorry.

17 HEARING OFFICER VALKOSKY: Okay, that's,
18 yeah that's --

19 MR. REINOEHL: I would have to look at
20 that specifically to see what it says to be able
21 to answer your question.

22 HEARING OFFICER VALKOSKY: That's fair,
23 and I guess put differently, I'm sure the
24 attorneys will get a chance to address this in the
25 brief.

1 Is the impact still significant if, in
2 fact, there are no feasible mitigation measures
3 available to reduce that level?

4 MR. REINOEHL: I believe that it says if
5 they're being demolished that that's a significant
6 impact, and that it would still be a significant
7 impact even if it was not feasible to move the
8 buildings.

9 Like I said, I would have to really look
10 at what CEQA says.

11 HEARING OFFICER VALKOSKY: Oh, no, I
12 understand. To move them or to convert them to an
13 adaptive onsite use.

14 MR. REINOEHL: Right, correct.

15 HEARING OFFICER VALKOSKY: Correct,
16 okay. And, again, just real quick, do you
17 disagree with the City and County of San Francisco
18 that Pier 70 and at least a portion of the project
19 site effectively are parts of an integrated
20 historic district?

21 MR. REINOEHL: I did not see sufficient
22 information to agree with the conclusion that
23 there was a larger district that was clearly
24 eligible.

25 HEARING OFFICER VALKOSKY: Okay, thank

1 you. Redirect.

2 PRESIDING MEMBER PERNELL: I had --

3 HEARING OFFICER VALKOSKY: Oh, I'm
4 sorry.

5 PRESIDING MEMBER PERNELL: -- just one
6 follow up. Can you tell me what information you
7 used in your analysis to complete the FSA for your
8 portion?

9 MR. REINOEHL: What information?

10 PRESIDING MEMBER PERNELL: Yeah, you
11 indicated that you visited the site just recently?

12 MR. REINOEHL: Yes, and I had visited
13 the site on a couple of occasions early on in the
14 process. And driving around on public roads to
15 look at the site as best possible.

16 The visit to --

17 PRESIDING MEMBER PERNELL: Okay, then it
18 was my understanding that you just visited the
19 site recently?

20 MR. REINOEHL: That was to take a very
21 close examination of the buildings.

22 PRESIDING MEMBER PERNELL: So in your
23 analysis of the FSA it wasn't a close examination
24 of the building?

25 MR. REINOEHL: I did not walk the

1 property, itself, to look at the buildings, no.

2 PRESIDING MEMBER PERNELL: So then what
3 other information did you have to come to your
4 conclusions?

5 MR. REINOEHL: There was material
6 provided by the applicant. Photos such as this
7 are extremely helpful in that. Driving around the
8 property and seeing how much of the buildings were
9 there or not there.

10 You know, you can see a fair amount of
11 this from 23rd Street, at least when I was first
12 down there. I was able to see that a large
13 portion of station A had been demolished. I was
14 able to see that the compressor house was still
15 there. You could see a small part of the meter
16 house, not a lot. So, --

17 PRESIDING MEMBER PERNELL: Did you go
18 down Humboldt Street?

19 MR. REINOEHL: Humboldt Street has a
20 gate on it very close to the entrance off of 23rd;
21 it's gated. And I did not have access to that.

22 PRESIDING MEMBER PERNELL: So you went
23 down 23rd and 22nd?

24 MR. REINOEHL: Yes. I also drove up
25 across Pier 70 to get other views of both

1 neighboring resources and what you could see from
2 their property.

3 MR. SMITH: Just a quick clarification.
4 Forgive me if this was asked earlier, but station
5 A, the applicant, you agree, and this is addressed
6 to both witnesses, staff agrees with the applicant
7 that station A is not historically significant?

8 MR. REINOEHL: We agree that it doesn't
9 meet the criteria of eligibility for the Cal
10 Register. It was described as being significant,
11 but it lacks integrity. It has to have both the
12 elements to meet the criteria for eligibility.

13 MR. SMITH: And that's due to the fact
14 that half of it is missing?

15 MR. REINOEHL: Yes.

16 MR. SMITH: And in agreeing with the
17 applicant, are there past projects, what is it
18 that you drew on, what was the basis that you sat
19 back and said I agree with the applicant because
20 of their rationale?

21 MR. REINOEHL: There was the rationale;
22 there were also some historic photos showing this
23 plant during its operation. And there are certain
24 character-defining elements. If you look at the
25 historic photos there's a number of smoke stacks

1 that rise a considerable distance above the
2 buildings. They're a dominant feature of the
3 skyline around these buildings.

4 And those, as well as half of the
5 building, are gone. They're very much character-
6 defining attributes. When I started looking at
7 photos of this in the history, I always located
8 these buildings by the smoke stacks.

9 MR. SMITH: Okay, thank you.

10 HEARING OFFICER VALKOSKY: Redirect.

11 MR. WESTERFIELD: I just have one follow
12 up.

13 REDIRECT EXAMINATION

14 BY MR. WESTERFIELD:

15 Q Mr. Reinoehl, when you visited this site
16 last week I guess it was, to view the meter house
17 and compressor house, what were you told by Mirant
18 personnel about the future of tank 4?

19 MR. REINOEHL: That they proposed to
20 abandon it when they convert unit 3.

21 MR. WESTERFIELD: That's all I have.

22 HEARING OFFICER VALKOSKY: Do you
23 disagree with Mr. Stone's earlier testimony that
24 the use of tank 4 for backup fuel oil is dependent
25 upon a determination of the ISO?

1 MR. REINOEHL: I do not disagree with
2 that statement.

3 MR. CARROLL: I'm going to object to the
4 entering into the record of the statement based on
5 what Mr. Reinoehl was told by an unidentified
6 person at the Potrero Power Plant.

7 HEARING OFFICER VALKOSKY: Is that what
8 you're objecting to?

9 MR. CARROLL: Yes. It's hearsay and we
10 have direct evidence on the record presented today
11 contrary to the content of the hearsay.

12 HEARING OFFICER VALKOSKY: And under our
13 procedure, section 1213, specifically hearsay is
14 admissible. The nature goes to the weight, rather
15 than the admissibility. So, I'll have to overrule
16 the objection on that basis.

17 Do you have any recross?

18 MR. CARROLL: No.

19 HEARING OFFICER VALKOSKY: Ms. Minor,
20 any recross?

21 MS. MINOR: No.

22 HEARING OFFICER VALKOSKY: Mr. Boss, any
23 recross?

24 MR. BOSS: No.

25 HEARING OFFICER VALKOSKY: Okay.

1 Mr. Mason, Mr. Reinoehl, the Committee thanks and
2 excuses you, subject to recall if it turns out in
3 the context of Ms. Scott's testimony we need you.

4 PRESIDING MEMBER PERNELL: Thank you,
5 gentlemen.

6 HEARING OFFICER VALKOSKY: Okay. And
7 before you get started, Mr. Carroll, I've got a
8 housekeeping question that came to my attention
9 concerning the identification of the exhibits you
10 moved in.

11 MR. CARROLL: Yes.

12 HEARING OFFICER VALKOSKY: According to
13 my notes one of those exhibits was exhibit 12, and
14 according to my exhibit list that one's already
15 been received, a formal application for modified
16 gas service. Are you perchance referring to
17 exhibit 11, as identified on the tentative exhibit
18 list?

19 If you can't clarify it --

20 MR. CARROLL: Actually I can. I see
21 where I said 12, and I'm not quite sure how I
22 ended up with 12, but it should be 7. The exhibit
23 that I was referring to would be responses to
24 Dogpatch data requests 1 through 124, which is
25 exhibit 7.

1 HEARING OFFICER VALKOSKY: Okay.

2 MR. CARROLL: So I'm not quite sure how
3 I got the 12 in there, but it should be 7.

4 HEARING OFFICER VALKOSKY: So that 12
5 does not enter into it at this time.

6 MR. CARROLL: That's correct.

7 HEARING OFFICER VALKOSKY: We received
8 it already, okay?

9 MR. CARROLL: That's correct.

10 HEARING OFFICER VALKOSKY: Okay, thanks
11 for that clarification.

12 Why don't we proceed, Mr. Westerfield.

13 MR. WESTERFIELD: All right. Mr.
14 Valkosky, if you'd just excuse me, I have back
15 trouble so I have to do some standing if I'm going
16 to go much longer.

17 HEARING OFFICER VALKOSKY: Would a brief
18 recess help so you could stretch around?

19 MR. WESTERFIELD: It's not that simple.
20 It's a fairly involved condition, and after
21 sitting for eight to ten hours, it's quite
22 painful. So I just need to stand if I'm going to
23 keep going.

24 HEARING OFFICER VALKOSKY: Certainly.
25 If you'd like a recess, let me know, at anytime,

1 if that would help. Okay.

2 Whereupon,

3 GLORIA SCOTT

4 was called as a witness herein, and after first
5 having been duly sworn, was examined and testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. WESTERFIELD:

9 Q Would you state your name for the
10 record, please.

11 A I'm Gloria Scott.

12 Q And for whom do you work and how are you
13 employed?

14 A I work for the Department of
15 Transportation, otherwise known as Caltrans, in
16 the Division of Environmental Analysis as a Senior
17 Environmental Planner. And more specifically I'm
18 the Chief of the Historical Architectural
19 Specialty Branch.

20 Q Thank you. And could you please
21 describe your qualifications and areas of
22 expertise?

23 A I have a bachelors of arts in history
24 from UC Santa Barbara; masters of science from the
25 University of Vermont in historic preservation.

1 And I'm certified under the Secretary of Interior
2 standards for professional qualifications in the
3 fields of history and architectural history.

4 One of the cofounders and past vice
5 presidents of the Society for Industrial
6 Archeology was the Director of the Graduate
7 Program at the University of Vermont when I was
8 there. And consequently we were trained to
9 identify and evaluate industrial resources, and to
10 be sensitive to their preservation issues.

11 While working for the Central Virginia
12 Planning District Commission I surveyed several
13 hundred properties in Amherst County and in the
14 City of Lynchburg. And I served as representative
15 on the Lynchburg Board of Historical Review.

16 In my role as Grants Manager for the
17 Arizona State Historic Preservation Office I
18 reviewed and monitored approximately 50 survey and
19 planning grants, 20 rehabilitation grants and
20 reviewed approximately 20 rehabilitation tax
21 credit applications of plans throughout the state.
22 And they use the Secretary of Interior standards
23 for rehabilitation in those programs.

24 In Ohio I was a Regional Coordinator for
25 the Ohio Historic Preservation Office, in 19

1 counties in northwest Ohio, followed by 16
2 counties in central Ohio. And in that position I
3 provided technical assistance to local governments
4 coordinating federal historical plans and projects
5 for development, including the Toledo Convention
6 Center, which impacted seven significant historic
7 properties, and an additional 14 historic
8 properties, and one historic warehouse district.

9 So, it was quite a large project there.

10 Let's see, and then when I started at
11 Caltrans I was an Associate Environmental Planner
12 in History. And in architectural history. And in
13 that position, identified and evaluated hundreds
14 of buildings, structures and complexes around the
15 state that would potentially be impacted by state
16 highway projects.

17 I developed and revised compliance and
18 built environment resource sections of the
19 Caltrans environmental handbook on cultural
20 resources. And as section 106 Coordinator for
21 Caltrans, I served as the Liaison between the
22 district offices, the State Office of Historic
23 Preservation and the Advisory Council on historic
24 preservation, and promulgate the section 106
25 regulations.

1 And I was on the team that developed and
2 taught cultural resources workshops around the
3 state for Caltrans staff and consultants. And
4 that included how to assess using National
5 Register criteria for eligibility. Because at the
6 time California Register hadn't been created. And
7 also how to assess integrity.

8 Currently in my role as Chief of the
9 Historical Architectural Specialty Branch I serve
10 as liaison with the State Office of Historic
11 Preservation on California Public Resources Code
12 5024 activities. And that's a section of the
13 Public Resources Code that requires state agencies
14 to identify, evaluate and protect its historic
15 resources.

16 Caltrans owns approximately 131 historic
17 buildings and structures, and that does not
18 include the historic bridges in the state.
19 Ninety-five of those are houses that I deal with
20 on a daily basis in terms of the standards for
21 rehabilitation.

22 I'm also the Caltrans Representative on
23 the State Historical Safety Board. So I'm a
24 Member of the State Historical Building Safety
25 Board; and they're the board that hears cases

1 under the State historical building code.

2 Q Okay, thank you very much. Have you, as
3 part of your work either with Caltrans or some of
4 your other employers, have you evaluated buildings
5 for reviewed buildings for eligibility?

6 A Yes, I have. In the States of Virginia,
7 Ohio and California I have personally surveyed
8 close to 1000 buildings, structures, complexes and
9 districts and roadways.

10 And while some of them met the criteria
11 for inclusion in either the National Register or
12 the California Register, in the case of the
13 California resources, most of them didn't because
14 they either lacked historic significance, or they
15 lacked integrity.

16 And most of those resources were
17 vernacular in character. So I've had a lot of
18 experience with vernacular resources. And some of
19 the types of resources that I've evaluated include
20 tank houses and a flume that carried water from
21 the foothills down into Fresno County. Post World
22 War I warehouses; powder magazines; reservoir and
23 lake at Benecia Arsenal.

24 A crushed stone company complex; a
25 compound; and maintenance stations at Bishop and

1 Coalinga. And the Southern California Edison
2 plant in Santa Barbara County.

3 In the case of Coalinga the maintenance
4 yard, a gateway arch was significant and met the
5 criteria for inclusion in the California Register.

6 And in my review capacity I've probably
7 reviewed several thousand buildings and structures
8 for their eligibility to either the National
9 Register or the California Register.

10 Q Ms. Scott, when you say vernacular, what
11 do you mean by that?

12 A When you're looking at architectural
13 styles and buildings, a lot of them are designed
14 by architects. And in their purest form the
15 architects who create different styles, it's
16 fairly high style and there are architectural
17 elements that taken as a whole convey that
18 architectural style.

19 More frequently, especially in
20 California with the kind of projects I've been
21 involved in, they are houses that don't have any
22 particular style. They might be a mish-mash of
23 architectural elements or they come out of a
24 building tradition of practicality, where they're
25 just building a building based on whatever their

1 cultural heritage is. They're building a
2 functional building that oftentimes is devoid of
3 architectural embellishments.

4 Q Okay, thank you very much. Now, can you
5 tell me whether Caltrans, as far as you know, has
6 moved buildings in the past as mitigation?

7 A Yes, Caltrans is "Movers-R-Us." I know
8 of about 12 buildings just in the Bay Area that
9 Caltrans has moved including -- or in Santa Clara
10 County, as well -- including the concrete Greek
11 Orthodox Church in Oakland; a prune processing
12 facility in Santa Clara County down by Gilroy;
13 eight houses in the Bay Area; several houses in
14 central California; a diner in southern
15 California.

16 And then a 23-room home that belonged to
17 Sam Maloof, who is a nationally renowned furniture
18 maker. And his house was moved to another
19 location as a result of a highway project. And it
20 is currently being, a nomination to the National
21 Register is currently being prepared by that, by a
22 consultant. I got a call the other day, that's
23 how I know that is now going forward with a
24 nomination.

25 Q Does Caltrans move these buildings in

1 order to prevent them from being demolished or
2 destroyed?

3 A Yes, they do.

4 Q Because of a Caltrans project?

5 A Yes.

6 Q Okay. And why does Caltrans go to the
7 trouble of relocating buildings that would be
8 destroyed by its projects? Aren't you just
9 dealing with a bunch of old buildings that aren't
10 of any use to anyone and are expensive to preserve
11 and maintain?

12 A Well, it's the law. And CEQA and its
13 guidelines require that we try to impact below the
14 level of significance. And if there's substantial
15 adverse change to an historical resource it's a
16 significant effect on the environment. That is a
17 new section that was added to CEQA as a result of
18 the California Register legislation.

19 And to answer your question earlier
20 about is that a significant impact, that law was
21 revised in I think it was 1998 to specifically
22 state that if you cause a substantial adverse
23 change to an historical resource under CEQA, you
24 have a significant effect on the environment.

25 And in that case we try to mitigate

1 below that level of significance whenever we can.

2 PRESIDING MEMBER PERNELL: Can I ask a
3 question on the -- does the law mention, it says a
4 significant historical resource.

5 MS. SCOTT: Um-hum.

6 PRESIDING MEMBER PERNELL: Is that
7 defined by it being in the Register, or is that
8 defined by the age or how's that defined?

9 MS. SCOTT: Well, CEQA defines a
10 significant historical resource. And it's any
11 building structure, site, object or district that
12 is listed or determined eligible for listing in
13 the National Register of Historic Places; is
14 listed or determined eligible for the California
15 Register; is a locally designated, under a local
16 landmark; is included in a local survey that meets
17 the Office of Historic Preservation standards.
18 And in that survey it is identified as
19 significant.

20 So it's a broader range under CEQA than
21 just National Register or California Register
22 listing and eligibility.

23 And I need to make a point here about
24 the difference with eligibility and being a
25 historical resource under CEQA. CEQA requires

1 that an agency determine whether a resource meets
2 the criteria of eligibility, meets the criteria
3 for listing in the California Register. But there
4 is only one board in California that can make an
5 official determination of eligibility, and that's
6 the State Historical Resources Commission.

7 And the one instance that it can do that
8 is if a nomination goes forward to them, and an
9 owner formally objects to listing in the
10 California Register, then they make the
11 determination of eligibility.

12 But for all other state agencies what is
13 required by CEQA is that a determination be made
14 that it's a significant resource under CEQA.

15 And we happen to use the California
16 Register criteria because that's what's spelled
17 out in the law.

18 PRESIDING MEMBER PERNELL: So that's
19 spelled out in the law?

20 MS. SCOTT: So Caltrans does not make
21 determinations of eligibility. Caltrans
22 determines whether a resource is significant under
23 CEQA, for purposes of CEQA.

24 PRESIDING MEMBER PERNELL: And have you
25 done that in this case?

1 MS. SCOTT: Yes. We make determinations
2 -- see, I'm using that term -- we have determined
3 that there are resources that are significant
4 under CEQA routinely as part of our projects.

5 PRESIDING MEMBER PERNELL: In the case
6 of the meter house and the compressor house, have
7 you made that determination?

8 MS. SCOTT: That is not my
9 responsibility to make that determination. I've
10 reviewed the material as part of what was
11 requested of me in terms of mitigating below the
12 level of significance if the buildings are
13 relocated.

14 But that's not my determination to make.

15 PRESIDING MEMBER PERNELL: Okay. And
16 have you visited the site?

17 MS. SCOTT: Yes, last week.

18 HEARING OFFICER VALKOSKY: Under the
19 scenario that you mentioned, the Caltrans
20 projects, who owns those projects? Is it not
21 Caltrans owns them -- I'm sorry, the projects --
22 the resources that you relocate.

23 MS. SCOTT: Sometimes Caltrans owns the
24 resources already. Sometimes Caltrans is
25 acquiring the resources if they're putting in a

1 facility. In other resources Caltrans is doing
2 the evaluation without an intention of acquiring
3 those properties because we are required to look
4 at indirect effects and whether we're causing an
5 indirect effect.

6 And an example might be if we're putting
7 a highway through an area, and we acquire right-
8 of-way that's ten feet beyond what we have
9 already, or ten feet beyond what is needed for the
10 actual roadway. And there are resources beyond
11 that.

12 We're not going to be acquiring those
13 resources, but because we might have an indirect
14 effect on them, especially if they're built
15 resources like buildings and structures, we still
16 have to evaluate them to see if they're
17 significant resources under CEQA. And we still
18 need to determine whether we would have an impact
19 on those resources, even if we never owned them.

20 HEARING OFFICER VALKOSKY: Right, and in
21 that case you would not, or would you, have those
22 resources moved if, in fact, you were having an
23 impact upon them?

24 MS. SCOTT: Well, that would be a direct
25 impact, as opposed to an indirect impact. An

1 indirect is a visual impact. If you put an
2 elevated freeway past a church, or past a
3 courthouse, but you're not touching that. You're
4 not acquiring that for right-of-way of
5 construction or anything. That's an indirect
6 impact.

7 We wouldn't purchase that property, but
8 we would still evaluate it.

9 HEARING OFFICER VALKOSKY: I understand
10 the evaluation, but I guess what I'm getting at is
11 it's my understanding Caltrans experiences
12 somewhat different from what the Commission does.
13 And specifically the Commission is in the place of
14 is requiring an applicant, someone who is seeking
15 a permit, to potentially relocate a building,
16 okay.

17 That, to my understanding, is different
18 from what Caltrans would be doing, wherein
19 Caltrans would either own the building or perform
20 the indirect or the direct impact analysis. Is
21 that a correct understanding?

22 MS. SCOTT: Could you explain further
23 what you mean by that?

24 HEARING OFFICER VALKOSKY: Okay, are
25 there instances in which someone would seek a

1 permit from Caltrans and Caltrans would, as a
2 condition of granting that permit, in order to
3 mitigate impacts, require that permit seeker to
4 relocate a building?

5 MS. SCOTT: Offhand I cannot think of
6 any instances. It depends on what the area and
7 potential effect would be for the granting of that
8 permit.

9 And beyond that, I don't know what the
10 authority would be.

11 HEARING OFFICER VALKOSKY: Okay. And I
12 guess --

13 MS. SCOTT: We do have an encroachment
14 ordinance, and it's within our right-of-way, it's
15 a different situation than if an impact occurs
16 beyond our right-of-way, and that answer I would
17 not be able to tell you. That's an answer that
18 our legal department would be able to answer. I
19 can't answer that.

20 HEARING OFFICER VALKOSKY: Okay, so
21 again, just to end this, you're not aware of any
22 instances where Caltrans would require or could
23 require a third-party permit seeker to relocate a
24 building?

25 MS. SCOTT: That's correct, I'm not

1 aware of any --

2 HEARING OFFICER VALKOSKY: Okay.

3 MS. SCOTT: -- instances like that.

4 HEARING OFFICER VALKOSKY: Okay, thank
5 you. Continue, Mr. Westerfield.

6 MR. WESTERFIELD: Thank you.

7 BY MR. WESTERFIELD:

8 Q Ms. Scott, I don't believe you had a
9 chance to finish your answer to my last question.

10 A About why we relocate?

11 Q Why you go to all the trouble to
12 relocate historical buildings after the CEQA
13 reason.

14 A Well, part of what the historical
15 preservation movement is about, and why we have
16 these environmental laws is that it was recognized
17 in the legislation, the various pieces of
18 legislation, that we're stewards of our historical
19 resources.

20 Caltrans takes that stewardship very
21 seriously. It's our responsibility to protect the
22 historic resources we own for future generations.
23 It's not just a property we own; it's basically
24 owned by people of the State of California. And
25 our responsibility is to make sure it stays there

1 so future Californians can enjoy it.

2 And what we generally mean by future
3 generations, exploring it, in order to understand
4 history, especially when you're dealing with
5 buildings and structures, you have to be able to
6 touch them. It's a very physical oriented kind of
7 movement, historic preservation is.

8 It's very keyed to places and to be able
9 to see tangibly what is a vestige of our past.
10 And we won't know necessarily today what the
11 future thinks is important.

12 A good example of that is one you all
13 brought up earlier. And that's Fort Point.
14 Strauss, who was the engineer for the Golden Gate
15 Bridge recognized Fort Point as being historic.
16 And others of his contemporaries didn't see the
17 value in Fort Point.

18 But the engineer did, and he redesigned
19 the bridge to avoid Fort Point. That's now a
20 national historic park. But that's not what it
21 was considered at the time. And so early on that
22 decision was made.

23 Another example of resources that we
24 don't value, that later become valued are the
25 Victorian era houses all over San Francisco. In

1 the '50s and '60s they were white elephants and
2 nobody wanted anything -- they were ugly old
3 buildings, nobody wanted anything to do with
4 them. And we now treasure those.

5 The same is true with art deco buildings
6 and with '50s and '60s diners. We're now at a
7 point where we understand why those are important.
8 And in the past we didn't value them. Our society
9 just didn't value them.

10 U.S. Route 66, the Lincoln Highway, the
11 National Road, Highway 40, those are ones I deal
12 with on a daily basis. Those are now becoming
13 important in history. There's been congressional
14 action to study, U.S. Congressional action to
15 study Route 66 and to study the Lincoln Highway.

16 Ten years ago, 15 years ago we wouldn't
17 have paid attention to that. It just wasn't on
18 our radar screen. And if we don't protect those
19 resources, we won't know what our future
20 generations are going to value, want to keep. So
21 what we know of what's historic now, we try to
22 keep for future generations to interpret.

23 Another reason for doing that is as
24 technology develops, we are better able to
25 understand and analyze our physical environment.

1 Archaeologists use that a lot. They will save a
2 spot -- this happened in Arizona around Hubble
3 Trading Post and in some of the Four Corners
4 regions, and the archeological sites.

5 They didn't intentionally go and dig
6 everything up because they knew in the future
7 there would be more sophisticated measures for
8 analyzing what was there. So they left it
9 untouched, so that future generations could come
10 along and understand what they were looking at.

11 And we do that with buildings. We use
12 radar sometimes; we use sonar sometimes in trying
13 to figure out what goes on inside of a building.
14 And those were techniques and methodologies that
15 were not available to us years ago.

16 So that's another reason why we are
17 stewards of the historic resources.

18 Q So does Caltrans take very seriously its
19 role as stewards of historical resources?

20 A For a couple of reasons, yes. Caltrans
21 has a policy of respecting the environment. But
22 beyond that we also are required to be stewards
23 under state law.

24 Q What has been your role in the Potrero
25 project, Ms. Scott?

1 A I was asked to review the material to
2 determine whether relocating the meter house and
3 the compressor house would result in mitigating
4 below the level of significance.

5 Q And could you describe more precisely
6 what work you did do?

7 A Yes, if I can find my place. I prepared
8 the supplemental testimony that was filed on July
9 10th.

10 MR. WESTERFIELD: Have we identified
11 that testimony as an exhibit?

12 HEARING OFFICER VALKOSKY: We have on
13 the tentative exhibit list. It is identified as
14 exhibit 35.

15 BY MR. WESTERFIELD:

16 Q Exhibit 35, which is your supplemental
17 testimony. Is this the testimony you prepared?

18 A Yes, it is.

19 Q And are the facts and opinions stated in
20 that testimony true and correct to the best of
21 your knowledge and belief?

22 A Yes, they are.

23 Q I'd like to take you through a couple of
24 main points from your testimony for the benefit of
25 the Committee.

1 I'd first like to address perhaps your
2 principal conclusion, which is the impact of the
3 relocation of the compressor house and the meter
4 house on their eligibility as historic resources.

5 What was your finding in that regard?

6 A Well, if they're relocated in a way that
7 preserves the existing integrity of the design
8 materials association and it's within their
9 industrial setting, the larger industrial setting,
10 and their essential physical features are still
11 able to convey the historical significance, then I
12 think that the mitigation would be below the level
13 of significance. The buildings would still be
14 there. Those essential physical features that say
15 this is the meter house for gas manufacturing, and
16 the compressor house for gas manufacturing, would
17 still be in place.

18 Q All right. Now, I believe your
19 testimony, your prepared testimony in exhibit 35,
20 in that testimony you disagreed with Mr. Corbett,
21 who testified for Mirant. Why is that, and what
22 considerations have led you to different
23 conclusions?

24 A Well, to go back again on what the
25 aspects of integrity do, the property needs to

1 have significance plus integrity. And integrity
2 relates to the authenticity of the site.

3 And depending on why a property is
4 eligible for either the California Register or the
5 National Register, the aspects of integrity are
6 kind of like on a sliding scale. And what might
7 be important for a significant event might be
8 location and design and materials. And they may
9 be a bit more important than workmanship, for
10 instance.

11 If you got something that's significant
12 under criterion 3, which is architecture or a
13 period and method of construction, design would be
14 really important. And workmanship would be really
15 important. It's weighed differently depending on
16 why something is eligible.

17 Feeling and association alone are not
18 sufficient for aspects of integrity to convey
19 significance because you've got to have something
20 physical there.

21 Likewise, I disagree with Mr. Corbett in
22 that it's just location and association. Because
23 if you took the compressor house and if you were
24 looking at that and it had been -- the windows had
25 been filled in, blocked in, and the walls were

1 partially changed with a different kind of masonry
2 material than just the brick, well, you've got
3 location and association, but you're looking at a
4 building that does not look like a 1924 building.
5 It just doesn't look right. Because the materials
6 are out of character.

7 So, I think that in this case, based on
8 what was presented as the reasons for
9 significance, and looking at the photographs
10 initially, I've now been out to the site to look
11 at it, but looking at the photographs and
12 comparing them to historic photographs, my
13 conclusion is that the buildings have integrity of
14 design; they're functionally related to each other
15 in terms of their original layout.

16 Independently they still had their
17 original layout. They're basically large empty
18 shells. There's not a lot of interior walls
19 inside that divided the space up that were affixed
20 to the exterior walls.

21 So that layout, that open space interior
22 is -- conveys the design of the building. And
23 then their functional relationship to each other.
24 They kind of play off of one another, even though
25 they're individually eligible according to the

1 information I was presented.

2 The same with the materials. The
3 buildings have their original exterior walls.
4 They seem to have all of their original windows,
5 or at least windows that date from the period of
6 significance. And the compressor house still has
7 its monitor roof.

8 So it has the materials that are the
9 essential physical features. That's important
10 that when you evaluate for significant, you also
11 have to define what the features are, what you're
12 looking at that physically conveys that. And
13 there should be like a laundry list for each of
14 the criterion that what conveys the significance
15 of this building is the fact that it's a brick
16 building with a gable roof, and it has multi-like
17 windows in it that are industrial sash or wood
18 sash, at this point I can't remember what the
19 actual material is.

20 But those are the essential physical
21 features. And in this case they show you what the
22 design of the building is. And you can see that
23 they're the original materials.

24 So I think that in addition to location
25 and association, the design and materials are

1 important aspects of integrity that give the
2 buildings, as a whole, their integrity.

3 Q Now, do you agree or disagree with Mr.
4 Corbett in his analysis of integrity of
5 association?

6 A Yes and no to that. Because association
7 is the direct link, as Mr. Corbett said, and is
8 outlined in National Register bulletin 15. It's
9 the direct link to the location. But there also
10 needs to be physical elements there. There has to
11 be something more than just the ground. There has
12 to be a building, if what you're looking at is a
13 building. The building has to be there. And the
14 components of the building have to be there.

15 And those working together give you that
16 association. If you walked into those buildings
17 you would know that those were industrial
18 buildings, and you can see, in some cases, where
19 the equipment was. So you get a sense for what
20 the function is inside the buildings.

21 So, that in addition to association with
22 the location, you have to have physical building
23 bits there.

24 Q And do you have any opinion on integrity
25 of setting?

1 A I think the setting has been
2 compromised, and I think that Mr. Corbett or
3 Mr. Hill's evaluation, Mr. Corbett, as I
4 understand, based his comments on, made a good
5 case that the setting is compromised.

6 And that these buildings are significant
7 in spite of their setting, inside the power plant.
8 And why I think that is is because the statement
9 of significance, as these are rare surviving
10 examples of the gas manufacturing process.

11 And when one is looking at the aspects
12 of integrity and significance, if there are rare
13 surviving examples of a certain event, then
14 there's a bit more leeway in loss of integrity.
15 It still needs to be, you still have to get a
16 sense of time and place. You know you're looking
17 at a building as a whole building.

18 But if it's a rare example, it can take
19 some diminished integrity that otherwise a
20 building wouldn't be able to take and still be
21 eligible.

22 So the fact those are rare examples, I
23 think, is critical in being able to say that even
24 though there's a compromised setting within the
25 property boundaries of the power plant, these are

1 still eligible. Because they are rare survivors
2 of that process.

3 And I think he mentioned one other in
4 San Francisco, and the area of significance for
5 this building happens to be gas processing in San
6 Francisco. Not northern California, not in
7 California, it's in San Francisco. It's a very
8 localized significance.

9 Q Okay, so do these buildings possess
10 enough aspects of integrity that if moved properly
11 they would retain sufficient integrity to retain
12 their historical significance?

13 A I think that if moved properly they
14 could still retain the -- convey their
15 significance. That it wouldn't be substantially
16 impaired. But the key is that they be moved
17 properly.

18 Q Are you aware of any other buildings of
19 similar size and construction that have been moved
20 successfully?

21 A I'm aware of other large buildings that
22 have been moved. Cape Hatteras Lighthouse is
23 about 200 feet tall, and it was moved about 2900
24 feet inland from the coast. It's a masonry
25 structure that was moved inland to prevent it from

1 falling into the ocean.

2 And then in Minneapolis, Minnesota, the
3 Schubert Theater was moved one block north of its
4 original location to make way for development in
5 Minneapolis. And that was a 2900-ton structure.

6 And there are other masonry buildings
7 that have been moved. The King of Prussia Inn,
8 which was built in the 1700s, and is unreinforced
9 stone masonry, was moved in relationship to a
10 Pennsylvania Department of Transportation project.
11 I don't know how far that one was moved.

12 I do know of other brick houses around
13 the country that have been moved. And I know of
14 at least one brick hotel that was relocated.

15 So unreinforced masonry buildings get
16 moved all the time. Of this size, I can't say.

17 Q Okay, have you analyzed the feasibility
18 of the relocation process, itself, the physical
19 relocation of these two buildings?

20 A No, I have not. Others were asked to
21 analyze that feasibility. But I can say that at
22 Caltrans prior to relocation we look first whether
23 it's possible to retain a building in place.

24 We go through sort of a checklist. We
25 look at the feasibility of retaining a building in

1 place. We look at relocating to a compatible
2 site. We look at, in our case, redesigning a
3 project away from a resource so we can save it
4 that way. And we've done a lot of redesigns
5 around resources to save the historical resource.

6 And we look at those before we look at
7 relocation. And when we do look at relocation we
8 look at compatible sites; try to gather all the
9 information so we've got that in the packet.
10 These are the compatible sites; these are why we
11 think they might work; these are why we think they
12 won't work. This is what the costs would be to do
13 the relocation, to do the site prep, to do interim
14 protection.

15 We've tried to identify, in our case we
16 are generally identifying potential owners. I
17 think there are a couple of cases where we were
18 shifting buildings around, retained ownership,
19 same ownership. But we try to have that all up
20 front so we can see whether it is in terms of how
21 Caltrans deals with projects, prudent and feasible
22 to move, to relocate.

23 Q Thank you.

24 HEARING OFFICER VALKOSKY: In making
25 that determination I believe you said it was

1 prudent and feasible, how big of a factor is cost?

2 Let me back up. First of all, who is
3 paying the cost? Is that Caltrans that is paying
4 the cost?

5 MS. SCOTT: It depends on what the
6 funding source is. Caltrans does have state money
7 that it puts towards projects. But we also get
8 federal funding. And that's where we have the 106
9 process coming in.

10 HEARING OFFICER VALKOSKY: Okay, is it
11 all governmental funding, put it that way, whether
12 it be out of the state budget or the federal
13 budget?

14 MS. SCOTT: I don't believe that it's
15 always governmental funding, because we try to
16 work out arrangements. In terms of, at a new
17 site, we sometimes will pay up to the cost of
18 demolition to move a property. It all depends on
19 the magnitude of the project and the resource that
20 we're trying to have relocated.

21 Typically we'll move a property, do the
22 site preparation, plunk it down there, make sure
23 it's stabilized, but we don't do rehabilitation
24 generally.

25 HEARING OFFICER VALKOSKY: Okay, did you

1 say you would pay up to the cost of demolition?

2 MS. SCOTT: We have done that, and we've
3 suggested that to local governments whose projects
4 we also have to review for their compliance with
5 CEQA, to insure that they meet our standards.
6 We've suggested that, in some cases, up to the
7 cost of demolition be used to move a property.

8 HEARING OFFICER VALKOSKY: Okay, and
9 what happens if the cost of relocation is some
10 multiple of the cost of demolition? For example.

11 MS. SCOTT: Many of our projects are, we
12 also need to comply in most of our projects with
13 other laws because of federal funding. And with
14 the Federal Highway Administration, they have a
15 section of the U.S. Transportation Act with which
16 we must comply that says we cannot use an
17 historical, in this case it's a resources eligible
18 for the National Register because it's federal
19 program. Unless there is no prudent and feasible
20 alternative.

21 And feasible defined in our projects is
22 is it physically possible to do it. And prudent
23 means, that's more of a sliding scale, and it has
24 to do with community disruption and extraordinary
25 magnitude. And that could be cost.

1 HEARING OFFICER VALKOSKY: Okay, so --

2 MS. SCOTT: An example that I can use on
3 a rehabilitation level that I deal with is if we
4 look at replacing say windows in a building or
5 repairing them, we look at those costs. And if it
6 costs \$10,000 to repair all the windows and
7 \$45,000, \$65,000 to replace, we're going to repair
8 them. Because that magnitude of cost is so much
9 greater.

10 HEARING OFFICER VALKOSKY: Certainly.

11 MS. SCOTT: But I don't know if there is
12 an exact formula.

13 HEARING OFFICER VALKOSKY: Okay.

14 MS. SCOTT: This all seems to be project
15 specific.

16 HEARING OFFICER VALKOSKY: Okay, and
17 then I guess hypothetically if Caltrans were
18 routing a highway in a constrained area, there was
19 a historical resource right in the middle of the
20 proposed right-of-way, and the choice was
21 demolishing it or paying, and I'm going to be very
22 loose, an exorbitant amount of money to have it
23 moved, Caltrans could then find it would not be
24 prudent to have it moved, to have it relocated,
25 and elect, instead, to demolish it, is that

1 correct?

2 MS. SCOTT: Only after going through
3 this process. Because under section 106 of the
4 National Historic Preservation Act we must
5 consider all alternatives. We have to look at all
6 of those and we have to flesh out a lot of them.

7 HEARING OFFICER VALKOSKY: Sure.

8 MS. SCOTT: And under CEQA it's the
9 same. And I have engineers who are frequently
10 unhappy with me because I say okay, you've got an
11 alternative in here. What are the costs that are
12 involved in this. You need to prove to me, you
13 have to show me what your thought process is and
14 tell me why it's not feasible to do this.

15 HEARING OFFICER VALKOSKY: Okay.

16 MS. SCOTT: And why this other one, this
17 other avenue is --

18 HEARING OFFICER VALKOSKY: Right, but --

19 MS. SCOTT: --feasible.

20 HEARING OFFICER VALKOSKY: -- but in
21 that process costs are a factor that you would
22 consider?

23 MS. SCOTT: Yes.

24 HEARING OFFICER VALKOSKY: Okay. How
25 about, and this is one of the things, I think it's

1 one of the few things we haven't brought up today,
2 how about public access to one of these
3 historically significant structures?

4 And we've talked about Fort Point, which
5 is publicly accessible. You mentioned the
6 lighthouse which I believe is publicly accessible.

7 Here we're talking about a couple of
8 buildings which, to my knowledge, would not have
9 any public access. Now from the exterior I guess
10 they would stand visually and look pretty much as
11 they do now, although no one from the public could
12 actually get closer than the plant boundaries to
13 look at them. Is that a factor that should be
14 considered?

15 MS. SCOTT: I don't think that that's a
16 factor that should be considered.

17 HEARING OFFICER VALKOSKY: Okay, so
18 the --

19 MS. SCOTT: Because what we're trying to
20 do is save an historical resource. We're trying
21 to impact it as little as we possibly can.

22 And we do have properties that were
23 relocated that are private use. For instance, the
24 Sam Maloof House. He's a furniture maker; that's
25 his home. Eventually that's going to be a museum

1 in that case.

2 HEARING OFFICER VALKOSKY: Okay, which
3 would --

4 MS. SCOTT: But there are --

5 HEARING OFFICER VALKOSKY: -- have
6 public access, right?

7 MS. SCOTT: Yes, it will have public
8 access.

9 HEARING OFFICER VALKOSKY: Yeah, so I
10 guess my understanding that even if we preserve
11 this resource, the fact that that resource is
12 effectively inaccessible to members of the public
13 is not a factor to be considered? I mean, is that
14 correct?

15 MS. SCOTT: To get inside, or to be able
16 to see it from a public right-of-way?

17 HEARING OFFICER VALKOSKY: To get
18 inside, to get closer than, in this case, the
19 plant boundaries. Whatever that distance may be.

20 MS. SCOTT: Generally the public benefit
21 is seeing it from the exterior. It's always
22 there's a much bigger benefit if it is open to the
23 public. Or if there's access somehow, even if
24 it's sometimes people will offer it on a tour.
25 And the public can then see it maybe once or twice

1 a year. And then there's a public benefit there
2 that they can actually get inside.

3 But there are a lot of buildings that
4 take advantage of other tax incentives that, you
5 know, that are historic that are not open to the
6 public.

7 HEARING OFFICER VALKOSKY: Okay, do you
8 know whether in fact the meter house and the
9 compressor house for this project would, in fact,
10 be eligible for special treatment, either under
11 the tax benefits or the relaxed building code?

12 MS. SCOTT: The station historical
13 building code is, from my understanding, the
14 prevailing code in California. It allows for
15 alternative solutions to the health and safety
16 codes.

17 It applies to relocated buildings in
18 addition to rehabilitating buildings. And it
19 allows greater flexibility to meet the code. It's
20 the prevailing code.

21 So a private owner going to the City of
22 San Francisco, City and County of San Francisco
23 says, I want you to use the state historical
24 building code when you're reviewing my project.
25 They have to use the state historical building

1 code. It's the prevailing code in California.

2 HEARING OFFICER VALKOSKY: Okay, now
3 would it be your recommendation that the Energy
4 Commission, should it opt for relocation of the
5 meter and compressor house, specify that the state
6 historical building code be used for those
7 buildings?

8 MS. SCOTT: Could you repeat that again,
9 the front part of that?

10 HEARING OFFICER VALKOSKY: Yes,
11 basically you indicated that the applicant could
12 go to the City and urge that they use it. The
13 Energy Commission, to my way of reading the law,
14 could require that the state historic building
15 code be used. Is that a recommendation that
16 you're making?

17 MS. SCOTT: Yes.

18 HEARING OFFICER VALKOSKY: Okay.

19 MS. SCOTT: With the relocation of the
20 buildings, the other part of what you had asked me
21 was about the eligibility.

22 When we're doing relocations, we do a
23 lot of consultation with the State Office of
24 Historic Preservation, with local preservation
25 groups. We try to get buy-in for the relocation

1 and get their opinions on the site as to whether
2 it's an appropriate site.

3 And would likely to continue to convey
4 that significance. You never know until it's
5 actually there on the ground and the site has been
6 prepared. And if there's any other kind of
7 associated features, like making sure walks are
8 recreated or something like that.

9 That's why one cannot do a determination
10 ahead of time. It really has to be on the site to
11 see if it really does reflect what had been at the
12 original site.

13 HEARING OFFICER VALKOSKY: Are you aware
14 of, or have you personally identified any suitable
15 sites for relocation of the meter and/or
16 compressor house?

17 MS. SCOTT: I have not personally
18 identified suitable sites.

19 HEARING OFFICER VALKOSKY: Are you aware
20 of any that have been identified in light of
21 today's testimony?

22 MS. SCOTT: I don't have enough
23 information to know whether they're suitable. I
24 know that there is some vacant sites, and there
25 may be possibilities onsite at the power plant.

1 But without further information, further
2 information about the project costs and what the
3 costs are demolition are, percentages, and whether
4 the preparation of the new site would be feasible.

5 Without that information I wouldn't be
6 able to say whether they're suitable sites.

7 HEARING OFFICER VALKOSKY: Okay. Last
8 one on this line. You mentioned percentages of
9 demolition costs. Is there a fixed ratio there
10 that I've --

11 MS. SCOTT: I'm not aware of a fixed
12 ratio.

13 HEARING OFFICER VALKOSKY: So that's a
14 subjective determination, --

15 MS. SCOTT: I think it's --

16 HEARING OFFICER VALKOSKY: -- when it
17 gets too expensive, --

18 MS. SCOTT: -- project specific.

19 HEARING OFFICER VALKOSKY: -- in other
20 words, yeah. Okay.

21 MS. SCOTT: I think it's project
22 specific.

23 HEARING OFFICER VALKOSKY: Okay.

24 MR. SMITH: Could you clarify a few
25 things, Ms. Scott. Just so I'm clear, it's

1 conceivable that the end of this very deliberative
2 process that Caltrans goes through the conclusion
3 could conceivably be it's too expensive to
4 relocate it, let's demolish it?

5 MS. SCOTT: That's correct.

6 MR. SMITH: Okay. I want to go back to
7 a couple things I think you said awhile ago. You
8 said there's only one agency that can make a
9 determination of eligibility.

10 MS. SCOTT: For the California Register?

11 MR. SMITH: Yes.

12 MS. SCOTT: Right.

13 MR. SMITH: And that is?

14 MS. SCOTT: The State Historical
15 Resources Commission. And the situation that they
16 can make that determination in is when a
17 nomination is brought to them, a nomination to the
18 California Register. And an owner formally
19 objects to listing. Then the Commission would
20 make a determination of eligibility to provide
21 protection under CEQA.

22 MR. SMITH: Okay.

23 MS. SCOTT: In which case those
24 buildings that are determined eligible by the
25 State Historical Resources Commission as those

1 buildings or properties that are determined by
2 state agency to be significant resources under
3 CEQA have equal protection under CEQA.

4 It doesn't matter if it's an eligibility
5 determination or a listing. It's equal
6 protection. The reason why that determination
7 kind of language is in there is because the
8 process can be very long to nominate a property.

9 Same with section 106 and why they have
10 determinations under that law is because you may
11 be dead in the water for seven or eight months
12 before you even know whether it's going to be
13 listed.

14 So in order to streamline the procedures
15 for state agencies, they've got these projects
16 that they have to get going, the legislation was
17 written to provide equal documentation, but rather
18 than going through to the Commission and having to
19 go through their public notification process and
20 notifying all the owners and everything, they stop
21 short of that and say, well, for purposes of CEQA,
22 for this project, and what you're planning to do,
23 you can make that determination. And it will be
24 considered significant, and then you can continue
25 with your compliance and you don't have to wait

1 for some board to --

2 MR. SMITH: I understand.

3 MS. SCOTT: -- list it in six months.

4 MR. SMITH: Got it.

5 PRESIDING MEMBER PERNELL: And in this
6 case you being a state agency?

7 MS. SCOTT: For Caltrans, on our
8 projects, we are the lead agency under CEQA.

9 PRESIDING MEMBER PERNELL: What about
10 this project?

11 MS. SCOTT: Well, under this project the
12 Commission, I would assume, has that same
13 responsibility.

14 MR. SMITH: Okay, forgive me if I'm not
15 understanding this right away. The determination
16 of eligibility on this project has not been made?

17 MS. SCOTT: I don't know that. Because
18 of the information I have --

19 MR. SMITH: Unless it's been submitted
20 to the office that you had suggested, and they
21 have acted?

22 MS. SCOTT: Under CEQA it's the state
23 agency that's the lead agency that makes a
24 determination whether a resource is significant
25 under CEQA.

1 We use the same criteria, the California
2 Register criteria, but it's a significant resource
3 under CEQA. And that phrase, determination of
4 eligibility, raises a red flag at the State Office
5 of Historic Preservation. They don't want to hear
6 state agencies are using that term. They want to
7 hear a state agency say we've determined that this
8 is a significant historical resource under CEQA
9 because it meets the criteria outlined in the
10 California Register.

11 MR. SMITH: Correct.

12 MS. SCOTT: It's a subtle --

13 MR. SMITH: It hasn't officially --

14 MS. SCOTT: -- distinction --

15 MR. SMITH: -- been determined to be
16 eligible, though. All the Energy Commission can
17 do is say it's a significant resource.

18 MS. SCOTT: Under CEQA.

19 MR. SMITH: Under CEQA, period. Right?

20 MS. SCOTT: Yes. And that --

21 MR. SMITH: Okay, and the Office of --

22 MS. SCOTT: State Historical Resources
23 Commission.

24 MR. SMITH: Thank you. Is the only
25 agency that can actually officially determine its

1 eligibility. Just wanted to clarify that.

2 MS. SCOTT: Correct.

3 MR. SMITH: Because the semantics has
4 been muddled a bit today.

5 You also said that relocation is
6 satisfactory or adequate if the association is in
7 a larger industrial setting.

8 MS. SCOTT: That is one of the elements
9 of what would make relocation mitigatable to the
10 level of significance, is in a comparable
11 industrial environment. The California Register
12 language for special considerations, I believe
13 that's what they call it, for moving buildings
14 outlines the situation in which a moved property
15 would retain its eligibility, would still meet the
16 criteria for the California Register.

17 And it's very specific to it's being
18 moved to prevent demolition; it's moved to a
19 comparable site for comparable use. And it has
20 the same orientation. And basically a replication
21 of the same feature, or kind of environment.

22 MR. SMITH: And if it --

23 MS. SCOTT: Immediate environment.

24 MR. SMITH: -- were moved to another
25 general industrial setting, it's not at all clear

1 that it would be recognized as a gas manufacturing
2 plant? It would just be another industrial
3 building in an industrial setting, an old
4 industrial building in an old industrial setting.

5 MS. SCOTT: Well, according to the
6 valuation, the statement of significance, these
7 are rare surviving examples of gas manufacturing
8 in California and they have --

9 MR. SMITH: Okay, let me stop you right
10 there.

11 MS. SCOTT: -- or in San Francisco.

12 MR. SMITH: What is it about this plant
13 that distinguishes it when you look at it as a gas
14 plant?

15 MS. SCOTT: From other industrial
16 buildings?

17 MR. SMITH: Um-hum. I mean it's a
18 fairly nondescript plant. It's rectangular. It's
19 features that you find in many other buildings of
20 that era. What distinguishes it?

21 MS. SCOTT: Well, it significance is
22 under --

23 MR. SMITH: The gentleman, Mr. Reinoehl,
24 earlier was talking about station A, and he was
25 very clear about the smoke stacks and very

1 distinct features. What is it about these plants
2 that says this was a gas plant, and therefore it's
3 a rare example of a gas plant?

4 MS. SCOTT: It's a rare surviving
5 example of an event, rather than it being a
6 resource type under criterion 3. There are two
7 different criteria.

8 MR. SMITH: All right.

9 MS. SCOTT: It's the last vestige of
10 that process, as opposed to it's the last vestige
11 of a specific resource type.

12 MR. SMITH: Okay, thank you.

13 MS. SCOTT: And because it's the last
14 vestige of that process, it's all anybody could go
15 up to and see and touch that's left from the gas
16 manufacturing, the event of gas manufacturing.
17 Not the specific elements that are the process.
18 That would be under criterion 3.

19 That has to do with type, period and
20 method of construction. I don't think, based on
21 what I've read, that the meter house and the
22 compressor house meet the criteria for eligibility
23 under criterion 3, type, period or method of
24 construction because of the equipment being gone
25 inside. That's an integral part of what the

1 process is for a resource type.

2 But as an event, it's the last vestige
3 that anybody can point to and say, this was a gas
4 manufacturing facility.

5 PRESIDING MEMBER PERNELL: I have one
6 real quick question. This is a yes or no answer.
7 And that is to your knowledge has Caltrans ever
8 decided to move a historical building without
9 having a site to put it on?

10 MS. SCOTT: To my knowledge no.

11 PRESIDING MEMBER PERNELL: Thank you.

12 HEARING OFFICER VALKOSKY: Would you
13 agree that the meter house and the compressor
14 house are the types of buildings that an
15 individual would not necessarily know were related
16 to the gas manufacturing process unless that
17 individual were so told, or unless they were
18 extremely sophisticated in the identification of
19 buildings?

20 MS. SCOTT: I think to the casual
21 observer they would need interpretation.

22 HEARING OFFICER VALKOSKY: Thanks.

23 MR. WESTERFIELD: My turn?

24 BY MR. WESTERFIELD:

25 Q Why don't we talk about relocation some

1 more. And onsite relocation. Ms. Scott, let's
2 assume -- are you familiar with the location of
3 tank 4?

4 A Yes.

5 Q Because you just went out to the site
6 last week?

7 A Correct.

8 Q Let's assume for the moment that tank 4
9 is not there, but that obviously the piece of
10 property is, and that piece of property where tank
11 4 is available for the relocation of one or two of
12 these buildings.

13 And let's assume that it is feasible to
14 relocate the compressor house to the area where
15 tank 4 is located now.

16 Is it possible that you could relocate
17 the compressor house to that parcel and that that
18 would -- in doing that, that would mitigate, I
19 guess, the impact under CEQA to less than
20 significant?

21 A I think that it's possible, but it would
22 require more information, more study of that site.
23 And the geography of the site, whether it's large
24 enough to hold it, there's a lot of information
25 that would need to be there, and whether it would

1 be possible to recreate that sense of its
2 orientation and setting.

3 Q Okay. What I'm talking about now is
4 only moving the compressor house, and not moving
5 the meter house with it. I know there's been some
6 testimony about having to move them together. I'm
7 talking about just moving the compressor house to
8 that tank 4 location.

9 Do you still think it's possible?

10 A Because it was evaluated as individually
11 eligible, both of the buildings were evaluated as
12 individually eligible, in my mind that means
13 they're stand-alone properties or buildings on
14 that site.

15 There is association there, and they
16 provide their own little mini-setting. But
17 they're individually eligible.

18 And because of that, you have two
19 different properties you're having to deal with;
20 two different properties to mitigate; and that
21 would be a possibility for mitigating this one
22 individually eligible building.

23 Q Now, would it be pertinent to the
24 analysis, for example, that you were able to leave
25 the meter house in its present location

1 undisturbed? You haven't demolished the meter
2 house. The meter house is still there.

3 Somehow Mirant has found a way to design
4 around the meter house, and you have now moved the
5 compressor house just across Humboldt Street to
6 where tank 4 is located.

7 Would the fact of the meter house being
8 there undisturbed be pertinent to your analysis of
9 being able to move the compressor house to the
10 location of tank 4 and mitigate it to less than
11 significant?

12 A I think there would be some level of
13 pertinence, but again they're both individually
14 eligible properties. And if it were moved to that
15 site, if compressor house were moved to that site,
16 and somebody came upon it, would they be able to
17 get that sense of time and place from the
18 compressor house? Would they be able to get that
19 sense of time and place from the meter house?

20 And that's the kind of gauge I would
21 use.

22 Q Would their proximity to each other
23 assist in giving that person a sense of time and
24 place?

25 A With interpretation I think it could,

1 but the interpretation would be important because
2 with a move you need to state that it's an
3 intentional move, and why it was moved. And with
4 that interpretation you would get that benefit of
5 knowing the link with the meter house.

6 Q Now, when you talk about interpretation,
7 what do you mean by interpretation?

8 A A history of the site, and the reasons
9 why it was being moved. The reasons why the site
10 was chosen, the new site was chosen. And
11 basically an explanation that helps the observer
12 understand what part these buildings played in San
13 Francisco's history. And why it was necessary to
14 move them at a certain point in time to continue
15 to impart that history.

16 I think that's critical to have that
17 interpretation.

18 Q Could that interpretation be made a part
19 of an interpretive kiosk?

20 A It could be part of an interpretive
21 kiosk, but I think it's also important to have
22 that kind of information onsite.

23 Even if it's as simple as a plaque on
24 the building that says, this building was
25 constructed, stood at this site and was moved to

1 this new location in 2000-whatever. That somebody
2 looking at the building could say, oh, yeah, it
3 was moved from other there.

4 Q For example, the plaque could say, this
5 building originally stood 200 yards to the west?

6 A Correct.

7 Q And it was moved for the following
8 reasons? That's the kind of interpretation you're
9 talking about?

10 A Yes.

11 Q Can you talk a little bit about the
12 financial incentives available to owners of
13 historical resources on their Mills Act and other
14 legislation?

15 A Sure. In addition to the ability to use
16 the State Historical Building Code, if a property
17 that is listed on the California Register or has
18 been listed locally, or is listed on the National
19 Register, and I'm not sure about its eligibility,
20 they may be able to take -- private owners could
21 take advantage of the Mills Act, property tax
22 abatement program, which provides owners with
23 property tax savings of approximately 50 percent
24 each year for newly improved or purchased older
25 historic properties if they pledge to maintain the

1 historical and architectural character of their
2 properties for a minimum of ten years.

3 And that's a program that is a
4 permissive program that requires a contract
5 between the local government and the property
6 owner for a term of not less than ten years.

7 And I checked with the Office of
8 Historic Preservation and San Francisco does have
9 a Mills Act program.

10 And then, as I mentioned, for purposes
11 of that program, the property must be listed in
12 the National Register, the California Register, be
13 a state historical landmark, appointed historical
14 interest, or be locally identified or designated.
15 In this case it would be by the City and County of
16 San Francisco.

17 Under the federal end of things private
18 owners of income-producing historic properties
19 that are listed in the National Register or within
20 a certified local district, and I believe -- I'm
21 not positive about this -- but I believe that San
22 Francisco is a certified local government.

23 If it's listed in those two ways the
24 owners of an income-producing property can take
25 advantage of a 20 percent rehabilitation

1 investment tax credit for the substantial
2 rehabilitation of their property.

3 There are also rehabilitation grants and
4 sometimes loans that are available specifically
5 for historic buildings. There are various
6 institutions that give extra points for historic
7 buildings. I don't know of any that are available
8 right now, but the clearing house and the source
9 of information for these programs is the State
10 Office of Historic Preservation.

11 They've got a pretty good idea of the
12 incentives because many of these programs have to
13 be run through the State Office of Historic
14 Preservation.

15 Q All right. Now, I want to move you, if
16 I can, to offsite locations, move the conversation
17 to offsite locations.

18 Did you consider where the buildings
19 could be located offsite, and would you explain
20 your findings?

21 A Yes, we were looking at vacant lots
22 between the power plant and Pier 70, the
23 identified historic district of Pier 70, to see
24 whether they were compatible in terms of
25 industrial use setting.

1 And then as I mentioned earlier, others
2 are looking at the feasibility, possibility of
3 actually using those sites. I was just looking at
4 it in terms of comparable sites.

5 There are vacant lots to the south and
6 to the west of the Pier 70 historic district; the
7 smaller one that you all have been talking about
8 tonight. And I think that if the meter house and
9 compressor house were placed in those locations,
10 that they would not have a substantial adverse
11 change on Pier 70 as a historic district.

12 And, again, if I visualize those
13 buildings there, the question I would ask is Pier
14 70 historic district still eligible. Does it
15 still convey its significance with the meter house
16 and compressor houses on the edge of the district.
17 And I think that it would still convey those
18 features, and that if the compressor house and the
19 meter house were placed on the edges, not within
20 the district, but along the edges, that it would
21 not result in a substantial adverse change to Pier
22 70 historic district.

23 We looked, Mr. Reinoehl and I, walked
24 through the Pier 70 historic district and looked
25 at the vacant lots in there, and it's my opinion

1 that if those buildings, the meter house or
2 compressor house, or both, were placed within the
3 boundaries of the Pier 70 historic district that
4 there would be substantial adverse change because
5 within the boundaries there is very specific
6 maritime use that is not a gas manufacturing use.

7 Q All right. Did you consider any other
8 offsite locations of placement of these buildings?

9 A Well, those areas, the vacant lots and
10 the PG&E site that has been identified tonight as
11 where they might expand, we looked at as well.
12 And when we were there last week we drove around
13 the rough boundaries that were outlined for the
14 Potrero Point proposed historic district. And
15 what I noticed is that there are a lot of
16 noncontributing features that split off, they
17 basically cut off the Pier 70 district from the
18 power plant and from the sugar refinery buildings.

19 And a contributing building is one that
20 adds to the historic significance of an area
21 because it was either there during the period of
22 significance and it's not altered. It needs to
23 have been there during the period of
24 significance. And it needs to convey its own
25 historic character.

1 A noncontributing element is one that
2 was not there. So if the period of significance
3 ends, for instance, in 1945; if it was built in
4 1965, it's not a contributing element to the
5 district.

6 And what I saw was a high concentration
7 of noncontributing elements that splits that
8 proposed district.

9 So that if the meter house or the
10 compressor house were relocated in those areas of
11 what a proposed Potrero Point historic district
12 would be, it's my opinion it would not have a
13 substantial adverse change to that were Potrero
14 Point established as an historic district.

15 Q Thank you. Okay, could you please
16 describe your analysis of the meter and compressor
17 house as part of a broader historical context that
18 might include Pier 70 and the Dogpatch
19 Neighborhood?

20 A I think that Dogpatch, Pier 70 and the
21 Potrero Power Plant share a common historic
22 context. The broad overview is the same. It's
23 the industrial development of the area with
24 residential housing along the side. I think it
25 shares that context.

1 But within that there are specific
2 themes. There's a residential theme. There's a
3 commercial theme. There's an industrial theme.
4 And within the different themes the meter house
5 and the compressor house convey a very specific
6 theme that the other industrial buildings and the
7 residential buildings cannot convey.

8 Conversely, the meter house and the
9 compressor house cannot convey the significance of
10 a residential area, or the significance of
11 maritime industry.

12 Q The maritime industry of Pier 70, for
13 example?

14 A At Pier 70.

15 Q So what is your conclusion with
16 reference to the meter and compressor houses being
17 a part of the broader historical context?

18 A I think that the meter house and the
19 compressor house are indeed part of a broader
20 historical context. But a context doesn't
21 necessarily make an historic district. Because
22 within the district, in addition to that
23 significance, you need to have integrity.

24 And I see within the Potrero Point
25 historic district a lot of noncontributing

1 elements, and I don't have enough information to
2 know what the percentage is of contributing to
3 noncontributing. And there there is a rule of
4 thumb. It's if you're counting up the
5 contributing elements in a district, if you're
6 reaching 25 percent or one-quarter noncontributing
7 elements, then you've lost integrity in the
8 district. It gets really dicey if it's beyond or
9 above 25 percent non contributors to contributors
10 in an historic district.

11 Q Thank you very much.

12 MR. WESTERFIELD: Those are all the
13 questions I have on direct examination.

14 HEARING OFFICER VALKOSKY: Thank you,
15 Mr. Westerfield. Ms. Scott, just a couple of
16 quick questions.

17 You testified that private owners could
18 take advantage of the tax advantages under the
19 Mills Act, is that correct?

20 MS. SCOTT: Correct.

21 HEARING OFFICER VALKOSKY: Are you aware
22 of any private owners who have evidenced an
23 interest in taking possession of the meter house
24 or compressor house?

25 MS. SCOTT: I'm not aware of any.

1 HEARING OFFICER VALKOSKY: You indicated
2 also, I believe, that relocation of the meter
3 house and compressor house somewhere near the
4 outskirts of the Pier 70 historic district would
5 not adversely impact that district, is that
6 correct?

7 MS. SCOTT: Correct.

8 HEARING OFFICER VALKOSKY: Are you aware
9 of any parcels in that location near the Pier 70
10 district which are, in fact, available for
11 relocation of the meter house --

12 MS. SCOTT: No, that --

13 HEARING OFFICER VALKOSKY: -- or
14 compressor house?

15 MS. SCOTT: -- was an assignment that
16 was given to others.

17 HEARING OFFICER VALKOSKY: I'm just
18 asking you for your personal knowledge, that's
19 all.

20 MS. SCOTT: I don't know.

21 HEARING OFFICER VALKOSKY: Just to make
22 sure we don't miss anything.

23 You also indicated that part of the
24 considerations one has to look at is the specific
25 theme evidenced by the meter house and compressor

1 house, is that correct?

2 MS. SCOTT: Correct.

3 HEARING OFFICER VALKOSKY: Okay. Given
4 its existing location, not talking about
5 relocating it or anything else, but why would it
6 not be logical to think that the specific theme
7 had to be with power generation, being as it's
8 located on the site of an existing power plant?

9 Put differently, are there any
10 significant indicia in their existing location
11 that they were, in fact, used for the production
12 and distribution of manufactured gas?

13 MS. SCOTT: I have not seen
14 documentation that establishes that theme. I
15 would not rule it out.

16 HEARING OFFICER VALKOSKY: Okay, now I'm
17 just a passerby, one of the members of the public
18 whom I believe you testified would derive a
19 benefit from viewing these structures, be they in
20 their original location or relocated, is that
21 correct?

22 MS. SCOTT: Yes.

23 HEARING OFFICER VALKOSKY: That the
24 benefit I would derive, since it is not publicly
25 accessible would be from having it in my viewshed,

1 okay. Is that a correct --

2 MS. SCOTT: That, plus there's
3 interpretation that is part of what the mitigation
4 would be.

5 HEARING OFFICER VALKOSKY: Okay, well,
6 let's talk about it the way it is now.

7 MS. SCOTT: Okay.

8 HEARING OFFICER VALKOSKY: Before there
9 would be any project change. Am I correct in
10 saying that there is no interpretation aid now?

11 MS. SCOTT: Correct.

12 HEARING OFFICER VALKOSKY: Okay, so that
13 would it be logical now in their unrelocated state
14 for me to assume that the two buildings in
15 question were in fact part or involved in power
16 generation due to their location on the power
17 plant site?

18 MS. SCOTT: That could be a broader
19 theme.

20 HEARING OFFICER VALKOSKY: Okay, well, I
21 mean is it a logical theme? How would I get to
22 the specific theme, I --

23 MS. SCOTT: It would be --

24 HEARING OFFICER VALKOSKY: -- guess is
25 what I'm asking, unless I'm an expert who has

1 studied this.

2 MS. SCOTT: I think that would be a
3 logical theme. And there would need to be
4 research and analysis of that research to
5 determine whether that was a significant theme
6 within the context of San Francisco's history.

7 The theme also needs to be significant
8 under the criteria.

9 HEARING OFFICER VALKOSKY: Okay, and who
10 is it that determines the significance of a theme?

11 MS. SCOTT: Generally architectural
12 historians, and historians who meet the
13 professional standards are the professionals who
14 make those -- who do that research and come up
15 with the conclusions based on that research.

16 HEARING OFFICER VALKOSKY: Okay, we'll
17 leave it for now. Mr. Carroll, cross-examination.

18 MR. CARROLL: Yes, thank you.

19 CROSS-EXAMINATION

20 BY MR. CARROLL:

21 Q Good evening. I think I understood what
22 you were saying in response to the very last
23 series of questions that Mr. Westerfield asked,
24 but I want to make sure that I'm clear on that.

25 Is it my understanding that you do not

1 see the broader, what we've been referring to
2 tonight as the Potrero Point district that has
3 been suggested in the testimony filed by the City
4 and County of San Francisco?

5 A I would have serious questions about the
6 broader district's integrity without further
7 information.

8 Q And your serious questions stem from
9 what?

10 A That there are a number of vacant lots
11 that indicate there used to be, looking at old
12 Sanborn maps, and historical photographs, that
13 used to have buildings on them. And they're
14 vacant lots now.

15 And there are a lot of structures and
16 buildings, mostly structures, within the rough
17 boundaries that we were provided in the testimony
18 that post-date the period of significance.

19 Q In your review and preparation of your
20 analysis did you review the Dogpatch Neighborhood
21 Association's survey, resource survey?

22 A In order to familiarize myself with the
23 area in terms of what my task was, which was to
24 look at relocation and whether it would mitigate
25 below the level of significance.

1 I did scan through the Dogpatch
2 material.

3 Q And did you also review the central
4 waterfront historic resource survey --

5 A Yes.

6 Q -- prepared by the City? I want to turn
7 to page 3 of 7 of your prepared testimony. At the
8 end of the first paragraph there's a statement
9 which states, it's the last sentence, on the other
10 hand a resource that is significant under
11 California Register criterion 1 (for events), the
12 most important aspect of integrity might be
13 location, setting and association.

14 And I want to now talk about the
15 scenario where the compressor house and the meter
16 house are relocated to an offsite location.

17 In your opinion, and I think you stated
18 it here, but just to be complete, I'll ask you
19 about location. I assume that your answer with
20 respect to integrity of locations, and under those
21 circumstances the integrity of location is lost?

22 A Correct.

23 Q Okay. What about the integrity of
24 setting?

25 A Well, as Mr. Corbett mentioned, there is

1 interior setting within property boundaries and
2 there is setting without the boundaries,
3 California Register property or National Register
4 property.

5 And one looks at both the setting inside
6 and the setting outside the boundaries of a
7 resource.

8 In the case of the compressor house and
9 the meter house I think that setting is diminished
10 in terms of all of the structures and buildings
11 that were part of the gas manufacturing process
12 that have been long gone.

13 I think that the larger setting, the
14 industrial setting, has suffered a bit from the
15 post -- the resources that post date the period of
16 significance that was identified. But I think
17 that the industrial setting is still there.
18 Somewhat diminished, but I think it's still
19 intact, the larger setting.

20 Q Okay, so the buildings on a relocated
21 site outside of the power plant site would or
22 would not maintain, in your opinion, integrity of
23 setting?

24 A I think that with a lot of conditions to
25 that relocation that have to do with setting or

1 with siting on a parcel, its orientation within
2 that parcel, and it being located within a
3 compatible use area, in this case industrial, that
4 it's possible that the property could be mitigated
5 below the level of significance. The substantial
6 adverse change to the property could be mitigated
7 below the level of significance.

8 Q Okay, I guess I'm still not clear on the
9 answer as to whether or not it would maintain
10 integrity of setting. And one of the things that
11 is confusing me is when I look at the paragraph
12 down below on that same page, page 3, that's
13 labeled setting, the conclusion there is, reading
14 the last sentence Thus, the buildings in their
15 current location appear to have minimal integrity
16 of setting.

17 Is it safe to assume that minimal
18 integrity of setting in their original location,
19 they would have even less integrity of setting at
20 a new location?

21 A Yes.

22 Q Okay. The third criterion that you
23 mentioned up at the end of that first paragraph on
24 page 3 of 7, is association. When I look at the
25 National Register bulletin, and I'm going to read

1 the first couple of sentences of association. I
2 apologize, I know it's been read several times
3 tonight, but I'm going to read it again:

4 Association is the direct link between
5 an important historic event or person and a
6 historic property. A property retains association
7 if it is a place where the event or activity
8 occurred, and is sufficient intact to convey that
9 relationship to an observer.

10 Given that this theoretical offsite
11 location is not the place where the event or
12 activity occurred, how would the resources then
13 maintain integrity of association under that, I
14 don't know if it's a definition or explanation of
15 what association means?

16 A Well, I believe also in the explanation
17 for association it mentions there must be physical
18 elements there, as well. There has to be some
19 physical manifestation other than it just being
20 the location where something occurred.

21 Q Okay, so what you're saying is that if
22 there's nothing left, in other words if the
23 compressor house and the meter house were removed,
24 the parcel on which they previously sat wouldn't
25 maintain any integrity. I understand that.

1 But what I don't understand is given
2 what the guidelines say association means, how
3 relocating these buildings to another site would
4 allow one to reach the conclusion that they
5 maintain integrity of association.

6 A I think that there would be some
7 diminishment, but I think that if it were properly
8 relocated that there could still be some
9 association, especially if it's onsite, because
10 it's still on power plant property.

11 Q Okay. And I appreciate that. I want to
12 focus, so that we don't get confused about what
13 we're talking about, I want to focus on the
14 offsite scenarios first. But I appreciate what
15 you're saying.

16 Would you say, if it was done properly,
17 it could maintain some level of association,
18 association with --

19 A Yes, I think if it's done properly it
20 could contain some level of association, which is
21 one aspect of integrity. The others, in my
22 opinion, for this property also being design and
23 materials.

24 Q Okay.

25 A The association alone is not enough to

1 say a property has integrity. Likewise, feeling,
2 alone, is not enough for the property to retain
3 integrity. There must be some other aspects of
4 integrity included.

5 Q I recognize that this question may go
6 more to the question of significance than applying
7 the aspects of integrity, but the resources having
8 been identified significant under criterion 1,
9 because of their association with manufactured gas
10 operations, once they have been relocated to an
11 offsite location what is their ongoing association
12 with the manufactured gas operations?

13 A They're physical remnants of that gas
14 manufacturing process and distribution process.
15 It's -- according to the research those are the
16 last physical remnants of that process.

17 If they're located offsite in a
18 compatible area they're still the last physical
19 remnants of that event.

20 Q How would one make the association with
21 the event, given that all of the operations
22 associated with gas manufacturing has been removed
23 from the buildings, and the buildings, themselves,
24 have been moved off from the site where the event
25 occurred? How does not make that association? Or

1 does that association remain?

2 A I think that that's one aspect of the
3 integrity in this case. There are other aspects
4 of integrity that are important, the design and
5 the materials.

6 Q Okay, what --

7 A And association alone cannot -- it
8 cannot stand alone as an aspect of integrity.
9 It's always tied to something else.

10 Q Let's talk about the design. As I
11 understood your testimony you indicated that -- I
12 wrote down, the open space of the compressor house
13 and the meter house convey their design. I don't
14 know if I've got that exactly right, and maybe you
15 can elaborate upon your point?

16 A Yes. The open space of the structures
17 does convey the design and the use of the
18 building.

19 Q Okay, when you say open space, you mean
20 the space inside, you're talking about the inside
21 of the structures?

22 A Correct, inside the structures.

23 Q When they were -- have you seen
24 photographs of the inside of the compressor house
25 or the meter house when they had the equipment

1 intact?

2 A Not of the meter house. And I'm not
3 sure if the photographs I've looked -- at this
4 point I can't remember whether the drawings and
5 the photographs I saw were of station A or the
6 compressor house. I just don't remember at this
7 point.

8 Q Does it change your conclusion if, in
9 fact, the large open space that we see now in the
10 interior of the compressor house and the meter
11 house is very different from what they looked like
12 when they were in operation as part of the gas
13 manufacturing plant. If in fact there was very
14 little open space and a great deal of equipment,
15 does that change your conclusion?

16 I'm having a hard time understanding --

17 A By open space I mean there aren't walls
18 that were permanent, there don't appear to have
19 been permanent walls in looking at the building,
20 the interior, for scars of walls.

21 It doesn't appear that it was
22 partitioned off into a lot of separate rooms. It
23 was still an open space just full of equipment,
24 but it was an open space that allowed that
25 equipment to be in there.

1 Q I want to talk a little bit about some
2 of the other projects that you mentioned where
3 Caltrans has relocated buildings successfully,
4 what I'll call.

5 You mentioned 12 areas in the Bay Area
6 including concrete Greek Orthodox Church, prune
7 processing plant, eight homes. You mentioned a
8 diner, the 23-room home owned by the architect.

9 In how many of those cases were the
10 resources identified as significant under
11 criterion 1 as opposed to under other criteria?

12 A That was before the California Register
13 was established. And what the state used before
14 that Register was established was the National
15 Register criteria.

16 Q Okay. Then how many of those projects
17 were deemed significant under the comparable
18 National Register criteria, criterion A, I
19 understand it --

20 A They were all determined eligible for
21 the National Register by the Federal Highway
22 Administration.

23 Q Under which criterion?

24 A I can't tell you specifically for each
25 and every property. Mostly properties are

1 significant under criterion C, which is type,
2 period and method of construction. And many are
3 also eligible under A. But without that
4 documentation in front of me I can't tell you
5 specifically what each and every property was
6 eligible under.

7 Q Is it more often the case that a
8 resource that is identified as eligible under
9 criterion C would remain eligible after
10 relocation, as opposed to a resource that's
11 identified as eligible under criterion A?

12 A The same standards for doing a
13 reevaluation apply. Under criterion C a property
14 needs to be moved to a comparable location with
15 comparable siting and orientation.

16 As for properties that are eligible
17 under A in the National Register or 1 of the
18 California Register. That determination is
19 specific to why a property is eligible and how it
20 has been relocated.

21 Q But as I think you described it earlier,
22 it's a sliding scale. So if we had a significant
23 architectural resource, let's say a concrete Greek
24 Orthodox Church. And I assume the determination
25 of whether or not that resource would maintain its

1 integrity post relocation, even if it lost
2 integrity of location, integrity of association,
3 that in that type of a resource you're more likely
4 to conclude that it does maintain overall
5 eligibility, even though you've lost those
6 elements that you tend to lose associated with a
7 relocation.

8 A That would be the case if it were sited
9 in compatible location and with the same
10 orientation. If it's not in a compatible location
11 and doesn't have the same orientation I wouldn't
12 say that one could conclude that it would still
13 retain its eligibility as a blanket statement.

14 Q Okay. So the compatible location and
15 orientation is critical regardless of which
16 criterion it's --

17 A Correct.

18 Q Mr. Westerfield asked you a series of
19 questions about relocating, and I'm sorry, I am
20 now shifting back to some of the onsite relocation
21 options that have been discussed.

22 Mr. Westerfield asked you a series of
23 questions about relocating the buildings onsite.
24 There were two particular scenarios. One was a
25 scenario under which the compressor house was

1 moved to location of tank 4 without the meter
2 house. And the meter house being demolished.

3 Another scenario was where the
4 compressor house was moved to the location of tank
5 4 and the meter house stayed in its same location.

6 Under that scenario have you maintained
7 the orientation of the buildings to each other, or
8 to their general surroundings?

9 MR. WESTERFIELD: I'm sorry, it's
10 unclear now which scenario you're speaking of.

11 BY MR. CARROLL:

12 Q Well, let's take the first one -- I mean
13 either or them, but we can take them in order, if
14 you want.

15 Let's look at the one where the
16 compressor house goes to the location of tank 4,
17 and the meter house is demolished.

18 MR. WESTERFIELD: And what's the
19 question?

20 BY MR. CARROLL:

21 Q And the question is under that scenario
22 have you maintained the orientation of the
23 buildings either to themselves or to their general
24 surroundings and their spatial relationship to
25 each other.

1 A Without further information on whether
2 it's possible to do that and maintain its compass
3 orientation, I can't say. There's a possibility,
4 but it would be based on a lot more information.

5 Q Okay, well, what I'm trying to
6 understand, you made a statement earlier that the
7 orientation of the buildings was critical in any
8 sort of a relocation.

9 I'm also looking at page 4 of 7 of your
10 testimony where you make some similar statements.
11 There's a sentence that reads: Critical to
12 successful relocation of the compressor house and
13 the meter house is, amongst other things, siting
14 the buildings in the same compass direction,
15 retaining the same orientation and spatial
16 relationship between the two building, and a
17 number of other things.

18 I'm trying to understand in light of
19 your testimony tonight and your testimony in your
20 prepared submittal, how a scenario under which you
21 move one building and not the other could ever be
22 a successful relocation.

23 A I would have to see further information
24 on the sites and the proposal for each one of
25 those sites. Right now this is all -- all of this

1 is theoretical without some solid sites and some
2 specific information.

3 Q But regardless of where the site is, if
4 one of the buildings is there and one of the
5 buildings is not there, they certainly don't
6 retain the same orientation and spatial
7 relationship to each other, do they?

8 A If one is there and one is not there,
9 you're right, they don't.

10 Q Thank you. And I assume that we're
11 talking about the first scenario, but would your
12 answer be the same with respect to the second
13 scenario where the compressor house is moved over
14 to tank 4 and the meter house stays where it is?
15 Haven't we again lost the orientation and spatial
16 relationship of the buildings to each other, which
17 is an element critical to a successful relocation?

18 A Without more information about the move
19 and the possibility and the flexibility there I
20 can't say.

21 Q With respect to the vacant lots that you
22 looked at for offsite relocation, I apologize I'm
23 jumping back and forth a little bit, but I broke
24 down the issues as they came up in your testimony,
25 so we're back now to offsite relocation.

1 With respect to the offsite lots that
2 you looked at on the periphery of the Pier 70
3 area, do you have any knowledge as to who owns
4 those lots?

5 A No.

6 Q And it's been mentioned a couple times
7 this evening, including a couple times in your
8 testimony, that the compressor house and the meter
9 house are, quote, "the last vestiges of gas
10 manufacturing in northern California."

11 A Last vestiges in San Francisco.

12 Q Okay. On what are you relying in
13 reaching that conclusion?

14 A I'm relying on the documentation that
15 was provided to me in the statement of
16 significance.

17 Q Okay. So that's not based on any
18 independent research or knowledge that you have;
19 it's based on materials that have been provided by
20 the other parties?

21 A Correct, materials that were prepared by
22 my colleagues with architectural historians who
23 meet the state professional qualifications that I
24 meet.

25 Q I'm sorry, you said your colleagues?

1 A In terms of architectural historians who
2 meet the Secretary of Interior's standards --

3 Q Okay.

4 A -- professional qualifications.

5 Q What type of projects does Caltrans
6 issue permits for to other parties?

7 A Encroachment permits are one type of
8 permit. Film condition permits, film production
9 companies. Those are the two that I'm most
10 familiar with.

11 Q And --

12 A There may be others that I'm not
13 personally involved with that are handled by our
14 district staff.

15 Q In the numerous examples that you've
16 cited where Caltrans has relocated a building, did
17 any of those examples involve issuance of a permit
18 to another party, or were those all Caltrans'
19 projects?

20 A They were all Caltrans' projects.

21 Q I think you testified earlier that you
22 did not undertake a feasibility analysis of
23 relocating the buildings either in the sense of
24 what it would take to pick them up and move them,
25 or in the sense of whether or not the locations

1 that had been identified could accept them, is
2 that correct?

3 A I did not do a quantitative feasibility
4 analysis, no.

5 Q Did you do a qualitative feasibility --

6 A Only in respect to what relative costs
7 are and that there was not enough information on
8 the demolition costs were, and what the relocation
9 costs were, and what the project costs were to see
10 what the magnitude of relocation would be.

11 That information was lacking.

12 Q Okay. But with respect to non cost
13 feasibility issues in terms of whether or not a
14 particular location was large enough to
15 accommodate the buildings or whether there would
16 be interference with utilities, you didn't look at
17 anything like that?

18 A No.

19 Q Okay. Can you give me any examples of
20 where Caltrans actually did change a project to
21 avoid relocating a historic resource?

22 A Well, there's one that's been on the
23 books for a long time that has been, the alignment
24 has been shifted a number of times to avoid
25 historical resources. And the footprint has been

1 narrowed.

2 There was one up in I believe it was
3 Solano County where an interchange was redesigned
4 to avoid an historical building. And that was a
5 number of years ago.

6 I'm working on a project that we own
7 historic resources in in southern California. And
8 the footprint on that proposed alignment has been
9 narrowed and shifted a number of times to avoid
10 historical resources. It's not built yet. But
11 there was a considerable effort put into shifting
12 the alignment and narrowing the footprint.

13 Q Any others that you can think of?

14 A In Nevada County there's a bridge that's
15 on the south fork of the Yuba River. And rather
16 than replace that bridge, the highway was
17 realigned and a new bridge was constructed to
18 avoid demolishing the historic bridge that's
19 there. I believe it's the Parks Bar Bridge.

20 In Sonoma County the Guerneville Bridge
21 was left in place, and the highway was rerouted
22 and a new bridge was constructed adjacent to the
23 Guerneville Bridge.

24 Q Would you say that more often than not
25 you're able to execute a successful relocation?

1 And the reason I ask that it sounds like there are
2 more examples of successful relocations than there
3 are of designing around the resource.

4 Has it been your experience that in most
5 cases when you encounter an historic resource
6 that's in the path, that you're able to execute a
7 successful relocation?

8 A There are other factors involved in
9 redesign that are environmental factors, the
10 hazardous waste, you know, endangered species.
11 And generally if there's an endangered species
12 we'll design around that. It's a hierarchy that
13 others in the organization deal with in terms of
14 how a facility is aligned or redesigned.

15 A lot of times if it's a new facility
16 going in there are various alternatives that are
17 looked at to try to find the one that's going to
18 be the least environmentally damaging to do. And
19 that may result in sacrificing historical
20 resource, it may not.

21 Our relocations generally are very
22 thoroughly thought out. We have pretty much
23 concurrence with the interested parties that a
24 relocation is an appropriate mitigation before we
25 put it in documents, before Caltrans commits to

1 it.

2 We have a, you know, we've done enough
3 homework and consulted with the interested parties
4 enough to know that it is likely going to be a
5 successful relocation. It's all done upfront.

6 Q Okay, thank you.

7 MR. CARROLL: No further questions at
8 this time.

9 HEARING OFFICER VALKOSKY: Okay. Does
10 anyone disagree that this would be a good time for
11 a break?

12 MS. MINOR: We have witnesses who are
13 parked in the Civic Center Garage, which closes at
14 midnight. And we have called and we've been told
15 that they will close at midnight and our folks
16 need to be there to remove their cars by at least
17 20 minutes before midnight.

18 HEARING OFFICER VALKOSKY: Which is
19 leave now, right?

20 MR. WESTERFIELD: Getting close.

21 MR. CARROLL: Twenty-five minutes.

22 PRESIDING MEMBER PERNELL: Could we go
23 off the record.

24 (Off the record.)

25 HEARING OFFICER VALKOSKY: After an off-

1 the-record discussion it's decided that discretion
2 is the better part of valor, and we will continue
3 cultural resources portion till first thing
4 tomorrow morning. That is Tuesday morning. At
5 that time we'll pick up with cross-examination of
6 Ms. Scott by Ms. Minor.

7 Is there any public comment or anyone
8 here on anything we've covered thus far?

9 MR. WESTERFIELD: Hold on, time out.
10 Gloria just told me you have a meeting in the
11 morning that apparently is very important.

12 Okay, so you cannot come in the morning?

13 MS. SCOTT: Not tomorrow morning.

14 HEARING OFFICER VALKOSKY: Could we go
15 off the record right now, please.

16 (Off the record.)

17 CROSS-EXAMINATION

18 BY MS. MINOR:

19 Q Ms. Scott, thank you for bearing with
20 us. And excuse my sleepy voice, my husky voice.

21 I don't think I have a lot of questions
22 for you, so let me just kind of plow right
23 through.

24 The first question goes to some
25 edification for me. If there's a situation where

1 qualified experts have found that a building or a
2 district is eligible, and subsequently a lead
3 agency determines that there is no significant
4 impact, even if the result is a building which an
5 expert has deemed eligible is demolished, how is
6 that conflict resolved?

7 A Could you rephrase that?

8 A Sure. What I'm trying to get at is a
9 situation where every expert who has looked at the
10 compressor house and the meter house has deemed it
11 to be eligible.

12 There's a question as to whether or not
13 the CEC Commission has to accept that
14 determination under CEQA.

15 And so if there's a situation where you
16 have, I believe, four independent experts have
17 looked at the compressor house and the meter
18 house, found that they are eligible at least under
19 criterion 1 for the California Register. And if
20 the CEC Commission determines that despite those
21 experts' opinion there is not significant impact
22 under CEQA, there seems to be a conflict.

23 And I don't know if you've had an
24 experience with a lead agency rejecting a
25 determination that's been made by a member of

1 qualified experts.

2 And so my question to you is what your
3 opinion about that? Do you have any experience
4 with it? Is there a process under law that
5 provides for the resolution of such a conflict?

6 A I don't know of a situation where a lead
7 agency has rejected the evaluation of a cultural
8 resource, and then said there's no significant
9 impact if that resource is removed.

10 I've not heard of that situation. And
11 I'm not aware of a recourse under CEQA that would
12 remedy that situation.

13 Q So in your 20-plus years of experience
14 you have not come across a situation where a lead
15 agency, for purposes of a law similar to CEQA, I
16 know all states have something comparable to CEQA,
17 have rejected a determination that's been made by
18 qualified experts?

19 A I've never heard of that situation.
20 CEQA allows for differences of opinion among
21 experts, and then the lead agency decides which
22 opinion it goes with, which one they feel makes
23 the best case.

24 But I have not -- I don't know of a
25 remedy under CEQA, nor have I heard of a situation

1 where the lead agency rejects its own experts'
2 analysis.

3 Q You have testified that during your
4 recent visit to the Potrero Power Plant area you
5 observed that there were vacant lots on the
6 boundary of the Pier 70 historic district that you
7 believed are potential locations for the
8 relocation of the compressor house and the meter
9 house, correct?

10 A I was shown this area and asked if they
11 relocated into this area would there be an adverse
12 impact, a substantial adverse change to the
13 historic district; if they're located to sites
14 that are cleared sites within the general
15 industrial area, would relocation be mitigated
16 below the level of significance.

17 Not specific sites. But the area, in
18 general, in terms of its industrial use.

19 Q Okay. So no one pointed out a specific
20 vacant lot and said, here's a vacant lot on the
21 boundary of Pier 70; is this an area wherein the
22 compressor house and the meter house could be
23 relocated?

24 A Correct, no one pointed to --

25 Q Okay.

1 A -- a specific site.

2 Q Okay. And so there was not the occasion
3 for you to ask who owns this vacant lot?

4 A I did ask that question.

5 Q Okay, so you did see some vacant lots?

6 A There are some vacant lots, yes, I did
7 see some vacant lots.

8 Q Okay. And the response to the question
9 who owns the vacant lots?

10 MR. WESTERFIELD: I'm sorry I don't know
11 who she was asking the question to, or what kind
12 of conversation we're talking about.

13 MS. MINOR: Okay, let me restate the
14 question.

15 BY MS. MINOR:

16 Q Who were you with when you went on the
17 tour of the Potrero Point general area last week?

18 A I was with Mr. Reinoehl.

19 Q Okay. And you have now testified that
20 there were some vacant lots that you saw?

21 A Correct.

22 Q Okay. And there's some indication that
23 there was a discussion as to who owned the vacant
24 lots?

25 A I asked Mr. Reinoehl if he knew who

1 owned them.

2 Q Okay.

3 A If they had information on parcels.

4 Q And how did he respond?

5 A That they were seeking that information.

6 Q Okay.

7 A And we had also received a map from the
8 Mirant representative of the Potrero site and the
9 PG&E site with an explanation of who owned what
10 parcels within that broad site.

11 Q Okay. And in the vicinity of the Pier
12 70 historic district, was the ownership of any
13 vacant lot identified, the owner of any vacant lot
14 identified?

15 A No.

16 Q Okay. And so you were never told that a
17 property owner, other than the San Francisco Port,
18 owned a particular piece of property in the
19 vicinity of Pier 70 that may potentially be
20 available for relocation?

21 MR. WESTERFIELD: As told by Mr.
22 Reinoehl.

23 BY MS. MINOR:

24 Q Right.

25 A Correct.

1 Q And I'm sure you answered this question
2 when you went over your professional experience,
3 but if I could ask again, have you been
4 specifically directly involved in the formation of
5 any historic districts?

6 A Yes. Under a federal undertaking, a
7 section 106 undertaking, and most of those are
8 paired with our CEQA compliance.

9 I have directly evaluated and drawn
10 boundaries for historic districts.

11 Q A couple of questions about station A.
12 Are you aware of whether there are any comparable
13 sized surviving steam generating facilities in the
14 west?

15 A Well, I was not asked to look at station
16 A specifically, so it's not a question I
17 considered.

18 Q So you haven't made an independent
19 assessment of the eligibility of station A?

20 A No, I was not asked to do that.

21 Q Do you have an opinion as to its
22 uniqueness or rareness?

23 A Since I wasn't asked to look at it, I
24 did not analyze any information about its
25 uniqueness.

1 Q If you were told that it is the last
2 surviving large steam generating facility west of
3 the Rockies, how does that influence your opinion
4 about --

5 A I would want --

6 Q -- the significance of station A?

7 A -- to know why that would be
8 significant. Just because it's the last surviving
9 of its type doesn't necessarily mean it's
10 significant. I would need to see justification
11 for significance, and an analysis of the essential
12 physical features for that type, if it's under
13 criterion 3. That why that conveys significance
14 under criterion 1. And I would need to see an
15 analysis of its integrity because 50 percent, half
16 the building is gone.

17 Q Um-hum.

18 A And without having that kind of
19 information I couldn't say one way or the other.

20 Q Now, I've asked other experts this
21 evening if they could identify for me any historic
22 resources that are registered where significant
23 portions, 50 percent, of the structure no longer
24 exists.

25 And so I'd like to ask the same question

1 of you. Are you aware of any such facility?

2 A In California?

3 Q In California.

4 A I'm not aware of any.

5 Q In your work with Caltrans have you had
6 experience with historic resources where some good
7 percentage, and I don't want to define it yet, no
8 longer intact?

9 A Yes, I have.

10 Q And what is the process of evaluating
11 integrity when you are dealing with historic
12 resources that some percentage of it is no longer
13 intact?

14 A It's the same process in terms of
15 establishing an historical context; establishing
16 whether there are any significant areas, themes,
17 first of all.

18 And then defining the essential physical
19 features that convey that significance. Seeing
20 whether the resource that has lost a portion or a
21 goodly portion of its physical makeup still can
22 convey those physical features.

23 And with loss of that historic fabric,
24 or those historical essential physical features,
25 comparing that to similar properties that may be

1 more intact for that theme.

2 And then also looking to see if there is
3 the potential to yield significant information.
4 And the key is it significant information, is it
5 adding to our body of knowledge that we don't
6 already know under criterion 4.

7 And then determining whether the
8 resource based on a significant area historic
9 theme, and what the essential physical features
10 are that would convey that significance.

11 Analyzing the aspects of integrity to
12 see whether a resource that has a goodly portion
13 missing has integrity.

14 Q If hypothetically there is found to be a
15 Potrero Point district, which would include
16 station A, there's been a finding that station A
17 is significant, but that it lacks integrity.

18 How do you characterize the contribution
19 that station A would make to such a district?

20 A If a resource in the district has
21 significance but it lacks integrity because it's
22 missing a large portion of what would convey the
23 character of the district, my inclination would be
24 to say it does not contribute to the district
25 because it does not physically convey the

1 characteristics of that district because of the
2 loss of so much historic fabric and, in the case
3 of station A, essential physical features.

4 And there are situations in districts
5 that I have evaluated where there have been
6 alterations to buildings where there may be just a
7 small portion of that building left, and the rest
8 of it post dates the period of significance that
9 we would identify as non contributors. They don't
10 add to the significance of the district anymore.

11 Q I'm trying to reconcile your statement
12 with the general understanding of the historical
13 significance, in this case we're talking about
14 station A. So, there could be a finding that
15 station A is historically significant.

16 But in the context of this proposed
17 district it would not contribute to the district?
18 That's not considered a disconnect?

19 A No, it's not. And the National Register
20 bulletins provide guidance on how to count
21 contributors and non contributors in an historic
22 district.

23 In this case I believe it's in bulletin
24 16A for districts. And what it says is that a
25 property contributor to the district needs to have

1 been there during the period of significance. And
2 still needs to convey its historic
3 characteristics.

4 And altered property, in this case the
5 alteration would be a goodly portion of it, 50
6 percent or more of it is missing, then that's an
7 alteration to that resource.

8 And under the National Register
9 guidelines which -- well, because the National
10 Register criteria are the basis for the California
11 Register criteria, it's sound guidance to use.

12 Under that, because of the portion
13 that's missing it would be considered an altered
14 resource and no longer adds to the significance of
15 the district, even though it may have been
16 historically significant.

17 Integrity is on equal footing with
18 significance for both the California Register and
19 the National Register. You can't have one without
20 the other.

21 Q In your testimony, and we're getting
22 close to my last question; in fact, this may be my
23 last question. Go to the bottom of page 6 of 7.

24 The last paragraph: It is my
25 professional opinion that the Potrero Power Plant

1 site, Dogpatch Neighborhood and Pier 70 share the
2 same historic context.

3 It wasn't clear to me whether you were
4 identifying three different districts?

5 A I'm not identifying the three different
6 districts. These were the districts -- well, the
7 Dogpatch Neighborhood and Pier 70 were identified
8 in the central waterfront. And the power plant
9 site is where the project is.

10 I am not identifying those as districts.
11 I am saying that as those resources, those areas
12 within this section in San Francisco, share the
13 same historic context, but that context doesn't
14 necessarily mean that these are each historically
15 significant or historically significant for the
16 same reasons.

17 Q What is your professional opinion, given
18 both the background material you've seen, the
19 testimony that has been filed as to whether there
20 is an industrial historic district on Potrero
21 Point, whose boundaries may not be specifically
22 defined as of yet?

23 A Based on a windshield survey I would
24 have serious concerns about their being an intact
25 historic district there without more information

1 on the historic, the significant themes for the
2 district. And without a quantitative analysis
3 within proposed boundaries of the contributors to
4 non contributors within the district.

5 Q Do you --

6 MR. WESTERFIELD: Jackie, --

7 MS. MINOR: Yes.

8 MR. WESTERFIELD: I'm sorry to
9 interrupt, but it's less than 20 minutes and if
10 your information is correct --

11 HEARING OFFICER VALKOSKY: Yeah, are we
12 going to finish up?

13 MR. WESTERFIELD: -- we need to move our
14 cars.

15 MS. MINOR: Yeah, no, I'm going to ask
16 one more question and then we're out of here and
17 you can tender your exhibits if that's okay. One
18 more question.

19 BY MS. MINOR:

20 Q Do you have an opinion as to whether
21 assessment of whether a district exists should
22 have been done as a part of the evaluation of this
23 project?

24 A I cannot respond to that because I have
25 not seen a project description, and I was not

1 asked to comment on that.

2 MS. MINOR: I have no further questions
3 at this time.

4 HEARING OFFICER VALKOSKY: Mr. Boss, any
5 questions?

6 MR. BOSS: Yeah, I've got two questions,
7 and I will give anyone a ride over there. I'm
8 parked right out in front.

9 CROSS-EXAMINATION

10 BY MR. BOSS:

11 Q At one point we were talking about I
12 think costs of saving something versus when you go
13 through an analysis on a freeway or whatever.

14 Is it a relative cost, relative to the
15 cost of putting a freeway -- if you're doing a \$3
16 million job versus a \$30 million or a \$300 million
17 job, is there relativity to the cost, the overall
18 cost of the job?

19 A That's one of the factors is the overall
20 cost of the job. The other factor is --

21 Q Would you say it's a major factor?

22 A No, I couldn't say that because it's
23 project specific. It's one of the factors.

24 Q Okay, but is it a minor factor?

25 A I really couldn't say that, either.

1 It's project specific. Cost is a factor in
2 relocation and in mitigation.

3 Q Are there guidelines that you go by, or
4 Caltrans goes by for --

5 A Again, it's project specific.

6 Q Do they, for every project they write
7 guidelines?

8 A I have not seen guidelines for every
9 project, no.

10 Q Okay, I'm just trying to get --

11 A It's based, a lot of it is --

12 Q -- some specificity out of this.

13 A A lot of it is based on the vast
14 experience that the agency has had with its
15 projects. And it's a professional body of
16 knowledge that is an interdisciplinary body of
17 knowledge.

18 Q Okay, so --

19 A And all those factors come into play.

20 Q -- it would not be unusual in a \$400
21 million freeway project to have \$5 million in need
22 to save a cultural resource?

23 A It depends on the number and the type of
24 resources that are there.

25 Q The resource is something that's --

1 MR. WESTERFIELD: I'm sorry, I have to
2 interrupt here. If I can't get my car out of the
3 garage --

4 MR. BOSS: I'll tell you what, I will
5 give you a ride home. Listen, I'm the only one in
6 this whole room that doesn't get paid to be here,
7 number one. Number two, --

8 MR. WESTERFIELD: I'd be happy to offer
9 the witness --

10 HEARING OFFICER VALKOSKY: Okay, can we
11 continue --

12 MR. BOSS: I've got one more question.

13 HEARING OFFICER VALKOSKY: -- continue
14 with your question, please. Mr. Westerfield --

15 PRESIDING MEMBER PERNELL: Do you have a
16 different question? I think she's answered the
17 fact that it's project specific and that there is
18 no guidelines. So if there's a different question
19 that you have, please ask her.

20 MR. BOSS: Okay.

21 BY MR. BOSS:

22 Q You indicated that public access was a
23 factor in preserving a historic building?

24 A It can be a factor.

25 Q Okay. So on the opposite, it may not

1 be? If we have an historic building that wasn't
2 publicly accessible, but was viewable from the
3 outside before, if we have the same condition
4 after, would you say that that's do-able, that's
5 acceptable?

6 A In my experience that -- it has been
7 acceptable.

8 Q Okay.

9 MR. BOSS: Thank you.

10 HEARING OFFICER VALKOSKY: Thank you.
11 Any redirect, Mr. Westerfield?

12 MR. WESTERFIELD: No redirect.

13 HEARING OFFICER VALKOSKY: Okay, would
14 you, at this time, like to move into evidence
15 portions of exhibit 3 --

16 MR. WESTERFIELD: Three.

17 HEARING OFFICER VALKOSKY: -- 35 and 48,
18 the last two, in toto?

19 MR. WESTERFIELD: Yes, please. Yes.

20 HEARING OFFICER VALKOSKY: Is there
21 objection?

22 MR. CARROLL: No objection.

23 HEARING OFFICER VALKOSKY: No objection.

24 Seeing none, those exhibits are admitted into
25 evidence.

1 We'll reconvene tomorrow at 10:00 a.m.
2 with the presentation of direct testimony by the
3 City and County of San Francisco.

4 We are adjourned.

5 (Whereupon, at 11:45 p.m., the hearing
6 was adjourned, to reconvene at 10:00
7 a.m., Tuesday, July 23, 2002, at this
8 same location.)

9 --o0o--

CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter,
do hereby certify that I am a disinterested person
herein; that I recorded the foregoing California
Energy Commission Hearing; that it was thereafter
transcribed into typewriting.

I further certify that I am not of
counsel or attorney for any of the parties to said
hearing, nor in any way interested in outcome of
said hearing.

IN WITNESS WHEREOF, I have hereunto set
my hand this 31st day of July, 2002.

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